HOUSE OF REPRESENTATIVES—*Wednesday, February 9, 1994*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of Psalm 111:2–7;10:

Great are the works of the Lord, studied by all who have pleasure in them.

Full of honor and majesty is His work, and His righteousness endures forever.

He has caused His wonderful works to be remembered; the Lord is gracious and merciful. He provides food for those who fear Him; He is ever mindful of his covenant.

He has shown His people the power of His works, in giving them the heritage of the nations.

The works of His hands are faithful and just; and His precepts are trustworthy.

The fear of the Lord is the beginning of wisdom; a good understanding have all those who practice it.

His praise endures forever: Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DERRICK. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DERRICK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device.

The SPEAKER [during the vote]. Apparently the display panels have not yet come on. The Chair is advised that the votes are being recorded by computer and the display panel will be on momentarily.

The Chair announces to the Members that he is advised that the machinery is working. Members' votes are being recorded by the computer, but the display panel is not moving. Members should, if they desire to do so, verify their votes by reinserting their cards for that purpose.

The vote was continued to be taken by electronic device, and there were—yeas 246, nays 151, not voting 36, as follows:

[Roll No. 15]

YEAS—246

Abercrombie	Furse	McDermott
Ackerman	Gejdenson	McHale
Andrews (ME)	Gephardt	McInnis
Andrews (NJ)	Geren	McKeon
Andrews (TX)	Gillmor	McKinney
Applegate	Gilman	McNulty
Baesler	Glickman	Meehan
Barca	Gonzalez	Meek
Barlow	Gordon	Menendez
Barrett (WI)	Green	Mfume
Bateman	Greenwood	Miller (CA)
Beilenson	Gutierrez	Mineta
Berman	Hall (OH)	Minge
Bevill	Hall (TX)	Mink
Bilbray	Hamburg	Moakley
Bishop	Hamilton	Mollohan
Bonior	Harman	Montgomery
Borski	Hayes	Moran
Boucher	Hefner	Murtha
Brewster	Hilliard	Myers
Brooks	Hinchey	Nadler
Browder	Hochbrueckner	Natcher
Brown (FL)	Holden	Neal (MA)
Brown (OH)	Houghton	Oberstar
Bryant	Hughes	Obey
Byrne	Hutto	Olver
Cantwell	Hyde	Ortiz
Cardin	Inglis	Orton
Chapman	Inslee	Owens
Clayton	Jefferson	Pallone
Clement	Johnson (GA)	Parker
Clyburn	Johnson (SD)	Pastor
Coleman	Johnson, E. B.	Payne (NJ)
Collins (GA)	Johnston	Payne (VA)
Collins (IL)	Kanjorski	Penny
Collins (MI)	Kaptur	Peterson (FL)
Combest	Kasich	Peterson (MN)
Condit	Kennedy	Pickett
Cooper	Kennelly	Pickle
Coppersmith	Kildee	Pombo
Costello	Kingston	Pomeroy
Coyne	Kleczka	Poshard
Cramer	Klein	Price (NC)
Danner	Klink	Rahall
Darden	Kopetski	Reed
Deal	Kreidler	Reynolds
DeFazio	LaFalce	Richardson
DeLauro	Lambert	Roemer
Derrick	Lancaster	Rose
Deutsch	Lantos	Rostenkowski
Dicks	LaRocco	Rowland
Dingell	Lehman	Roybal-Allard
Dixon	Levin	Rush
Dooley	Lewis (GA)	Sanders
Durbin	Lipinski	Sangmeister
Edwards (CA)	Livingston	Santorum
Edwards (TX)	Long	Sarpalius
Engel	Lowey	Sawyer
English	Maloney	Schenk
Eshoo	Mann	Schumer
Evans	Manton	Scott
Everett	Manzullo	Serrano
Farr	Margolies-Mezvinsky	Sharp
Fazio	Markey	Shepherd
Fields (LA)	Martinez	Sisisky
Filner	Matsui	Skaggs
Fingerhut	Mazzoli	Skelton
Fish	McCloskey	Slattery
Flake	McCollum	Slaughter
Foglietta	McCurdy	Smith (NJ)
Frost	Stark	Spratt
Stenholm	Thompson	Volkmer
Stokes	Thornton	Waters
Strickland	Thurman	Watt
Studds	Torres	Waxman
Stupak	Torricelli	Whitten
Swett	Towns	Wilson
Swift	Traficant	Wise
Synar	Tucker	Woolsey
Tanner	Valentine	Wyden
Tauzin	Velazquez	Yates
Tejeda	Vento	
	Visclosky	

NAYS—151

Allard	Goodlatte	Paxon
Archer	Goodling	Petri
Armey	Goss	Porter
Bachus (AL)	Grams	Pryce (OH)
Baker (CA)	Grandy	Quillen
Baker (LA)	Gunderson	Quinn
Ballenger	Hancock	Ramstad
Barrett (NE)	Hansen	Ravenel
Bartlett	Hastert	Regula
Barton	Hefley	Ridge
Bentley	Herger	Roberts
Bereuter	Hobson	Rogers
Bliley	Hoekstra	Ros-Lehtinen
Blute	Hoke	Roth
Boehlert	Horn	Royce
Boehner	Hunter	Saxton
Bonilla	Hutchinson	Schaefer
Bunning	Inhofe	Schiff
Buyer	Istook	Schroeder
Callahan	Jacobs	Sensenbrenner
Calvert	Johnson (CT)	Shaw
Camp	Johnson, Sam	Shays
Canady	Kim	Shuster
Castle	King	Skeen
Clay	Klug	Smith (MI)
Clinger	Knollenberg	Smith (OR)
Coble	Kolbe	Smith (TX)
Cox	Kyl	Snowe
Crane	Lazio	Solomon
Crapo	Leach	Spence
Cunningham	Levy	Stearns
DeLay	Lewis (CA)	Stump
Diaz-Balart	Lewis (FL)	Sundquist
Dickey	Lightfoot	Talent
Doolittle	Linder	Taylor (MS)
Dreier	Machtley	Taylor (NC)
Duncan	McCandless	Thomas (CA)
Dunn	McCrery	Thomas (WY)
Ehlers	McDade	Torkildsen
Emerson	McHugh	Upton
Ewing	Meyers	Vucanovich
Fawell	Mica	Walker
Fields (TX)	Michel	Walsh
Fowler	Miller (FL)	Weldon
Franks (CT)	Molinari	Wolf
Franks (NJ)	Moorhead	Young (AK)
Gallegly	Morella	Young (FL)
Gallo	Murphy	Zeliff
Gekas	Nussle	Zimmer
Gilchrest	Oxley	
Gingrich	Packard	

NOT VOTING—36

Bacchus (FL)	Ford (MI)	Pelosi
Barcia	Ford (TN)	Portman
Becerra	Frank (MA)	Rangel
Bilirakis	Gibbons	Rohrabacher
Blackwell	Hastings	Roukema
Brown (CA)	Hoagland	Sabo
Burton	Hoyer	Smith (IA)
Carr	Huffington	Unsoeld
Conyers	Laughlin	Washington
de la Garza	Lloyd	Wheat
Dellums	McMillan	Williams
Dornan	Neal (NC)	Wynn

☐ 1230

So the Journal was approved.

The result of the vote was announced as above recorded.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, when a vote, Roll No. 15, on the approval of the Journal of Tuesday, February 8, 1994, was taken, I was not present because of a flight delay due to icy conditions in Cincinnati. Had I been present, I would have voted "Nay."

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. LAROCCO). The Chair recognizes the gentlewoman from Michigan [Miss COLLINS] to lead the House in the Pledge of Allegiance.

Miss COLLINS of Michigan led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that it will entertain 15 1-minute speeches on each side.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3527

Mr. HEFNER. Mr. Speaker, on January 25, 1994, my name was added by mistake to H.R. 3537, the Assault Weapons ban introduced by Congressman SCHUMER. This was a clerical error, and I hereby ask unanimous consent that my name be removed immediately.

I do not support the proposed weapons ban and I would never cosponsor a bill of this nature.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

THE HEALTH CARE CRISIS HAS NOT VANISHED FOR AFRICAN AMERICANS

(Miss COLLINS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Speaker, in recent weeks, the health care public debate has centered around whether there is a health care crisis in America. I am astounded that anyone has to ask the question.

For African-Americans, the crisis is clear: African-American infant mortality rates are double those in white communities; African-American children have higher levels of untreated dental disease; African-Americans live 5 to 7 fewer years than whites; African-Americans have a 25 percent higher incidence of cancer; and while African-Americans are 12 percent of the population, only 3 percent of physicians are African-Americans.

These disturbing statistics tell us that something is not working, that access to good health care is problematic, at best.

I welcome the health care debate in these Halls. It is long past time to dismantle a health care system based on health needs, but on demand generated by the pure luck of having insurance.

I invite those who say there is no crisis to come with me to my district where you will learn that, yes, indeed, there is a crisis.

THE GAP BETWEEN THE WORDS AND THE DEEDS OF THE CLINTON ADMINISTRATION

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, once again there is a huge gap between the words of the Clinton administration and the deeds of the Clinton administration.

President Clinton comes to this floor and talks about fighting crime. The Clinton budget in the largest single program it proposes to kill is killing the Burn Memorial Fund which grants aid to local police to fight drugs and violent crime. The Clinton budget stops at $86 million in drug interdiction against the southern border. The Clinton administration budget has 25 percent more for lawyers in the Legal Services Corporation, but less to stop the flow of drugs.

It is very disappointing that at a time when 65 Americans are being murdered every day, at a time when 979 convicted felons are being released early every day, at a time when 14 percent of convicted rapists serve zero days in jail and 28 percent of convicted aggravated assault felons serve zero days in jail to see such inaction, such cutting of anticrime money, and to see a budget that falls so short of what we need to fight crime in America.

THE MISINFORMATION CAMPAIGN ON THE BUDGET

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, last year Congress approved a budget opponents claimed would ruin the Nation. They waged a campaign of misinformation aimed at the middle class. They said it would drive the economy into failure.

However, 1 year later we find a substantially reduced deficit, a leaner Government, a growing economy and a stable middle class.

The President's new budget, submitted this week, proposes more spending cuts and an even leaner Government. The new budget proposes to eliminate over 100 programs, thus saving billions of dollars.

Last year reason defeated fearful rhetoric. Unfortunately, this year I expect to hear the same old wails of opposition as we take up the new budget. But the American public has caught on to that tactic.

I am confident that reason will once again prevail, as we continue to lead our Nation into this new era.

CLINTON CARE DOES NOT ADD UP

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, what do the Congressional Budget Office; benefit consultants: Lewin-VHI, and Hewitt Associates; the JEC/GOP staff; Econometric Publications of New Jersey; and Goldman, Sachs all have in common?

The answer is simple.

They all have released studies showing that the Clinton health care plan does not add up.

Indeed, they all predict huge deficits.

In fact, in order to help promote the Clinton plan, Robert Reischauer, CBO's Director, is on record for saying that "at some point, the American people are going to have to edge up to the precipice, close their eyes, cross their fingers and jump."

Mr. Speaker, I do not know about you, but my constituents are not willing to jump.

In the end, if the administration is successful in forcing their health care plan on us, there are only three ways they can make up the projected funding shortfall: Allow huge deficits, enact draconian tax increases, or ration the availability of health care.

All three choices are unacceptable.

Let us table the Clinton plan and start discussing responsible health care reform.

THE REAL HIDDEN COST

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, yes, we should be worried about a hidden cost as we debate health care reform. But it is not the one that some are talking about today. It is not an esoteric question about whether something is off or on budget. It is something much more fundamental.

The hidden cost we should be most worried about is how our current health care system leads to all of us paying more than we need to.

There is a hidden cost to all of us whenever somebody without health insurance neglects an illness until it is acute. Whenever a disease that could have been treated with a $50 doctor visit and a $20 prescription becomes a week-long hospital stay. Whenever somebody who does not have a regular doctor gets treated in an emergency room instead of in a doctor's office. Whenever somebody without insurance cannot pay his or her hospital bill.

Because that cost is paid by the rest of us. That is one of the reasons an aspirin in a hospital costs more than a movie ticket.

There is a hidden cost when we spend over $100 billion each year to process 15,000 different types of insurance forms and to deal with the other requirements of an insurance system that is far too complex and too bureaucratic. Because every time any of us pays an insurance premium or a health care bill we're paying for that hidden $100 billion.

There is a hidden cost added to the sticker price of every American car to buy health insurance for auto industry retirees.

There is an insidious cost to our entire economy whenever somebody with a preexisting condition stays in a dead-end job to keep health insurance, instead of moving to a more productive and rewarding job.

Yes, there is a hidden cost to health care—the enormous waste in the current system. That's why we've got to simplify, streamline, and reform. I urge my colleagues to stop the bickering and naysaying and jostling for partisan advantage. This is the year to work with our President to straighten out our health care mess. The American people are running out of patience—and they are running out of money, because they're paying for a health care system that produces miraculous results often, but at excessive cost almost always.

□ 1240

CLINTON-LITE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. The national media has now crowned the Cooper health care plan as the real moderate alternative to the President's health reform plan.

Indeed, Mr. COOPER, in order to signify the similarities of his plan to the Clinton plan, has begun to call it Clinton-lite.

Unfortunately, Clinton-lite is still too high in Government regulations, employer-mandates, and higher taxes.

It may be a third less bureaucracy than the regular Clinton plan, but it is still too dangerous for the American consumer.

The best way to avoid the Government-run monstrosity called the Clinton plan is to embrace the Michel plan.

The Michel plan cuts cost, increases access, provides choice, and promotes responsibility, all without the bureaucratic fat of either the Clinton or the Cooper plans.

Cut the fat. Support the Michel plan.

THE PRESIDENT'S POLICIES ARE WORKING

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, President Clinton's budget shows that he kept his word. He is making deep and painful spending cuts. These cuts stretch over all programs including in my State of New Mexico. But we must support his efforts to reduce the deficit.

Because of the President's policies, the deficit is shrinking. Projections show the 1995 budget deficit to be $176.1 billion. As a percentage of GNP, that is the lowest the deficit has been since 1979, a year before the 12 years of Reagan-Bush record deficit spending.

President Clinton makes real cuts. More than 300 programs are cut below the 1994 enacted levels and 115 programs are terminated.

Most important, the President's policies are working. In the first year of his presidency, nearly 2 million jobs were created. Interest rates are low and more than 5 million homeowners are saving hundreds of dollars a month by refinancing.

Mr. Speaker, President Clinton is doing what the American people elected him to do. It is time for the opposition to cease their partisan bellyaching and work with the President to serve the county.

ANCHORS AWEIGH

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, there are some very troubling aspects to the Clinton health care plan.

It appears to me, for example, that it will obliterate the private practice of medicine in this country. By setting price controls and prohibiting private health care transactions, the old-fashioned family doctor is in danger of disappearing from the American landscape.

In fact, doctors joke about the creation of offshore practices, of hospital ships anchored outside the 3-mile limit where people can freely buy the health care they need but cannot get under the Clinton proposal.

I believe we should sink the Clinton health care plan before it swamps our own individual health care choices. We do not need Government-run health care, Mr. Speaker. What we do need is to make private-run health care portable, affordable, and available for all Americans.

THE PRESIDENT'S BUDGET

(Ms. CANTWELL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CANTWELL. Mr. Speaker, last year Congress fulfilled its promise to the American people to end gridlock and reduce the deficit. Today, no one can dispute the results—our deficit is now $126 billion below original projections—1993 was a landmark year that ushered in a new era of fiscal responsibility.

Once a majority of the Congress and this President worked together, we changed our direction from recession to recovery, from empty promises to economic growth.

Congress has now caught onto something the American people have known all along: There is no substitute for honest numbers and tough choices.

On Monday the President presented a budget that keeps us on track for additional deficit reduction next year. The President has outlined a plan that will continue the trend of economic expansion, job creation, and financial security.

Mr. Speaker, this will not be easy.

The American people want fiscal integrity now. We must go forward with the President and not slip back into the policies of the past.

TIME TO BE CANDID ABOUT HEALTH CARE

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, on the issue of health care reform, it is clear that we are going to do something this year. It is clear this House is going to act to make health care more affordable and more available.

But there are more than just two plans. The Cooper and Clinton plans are very, very similar, both requiring a massive turnover to the Government of portions of our health care delivery.

Fortunately, the gentleman from Tennessee [Mr. COOPER] is at least candid about what his plan will do. He has even said that it will end the private practice, fee-for-service health care system.

In December, Mrs. Clinton said there are no limits to what you can pay your private practitioner in the fee-for-service, and that simply is not true. On page 236 of the Clinton bill, it says not only are there limits to what you can pay them, it says you cannot pay them.

They will be paid by the Government monopoly. They will be paid what the Government monopoly chooses to pay them.

Mr. Speaker, it is time to be candid about what we are doing to the American people on health care.

DEADLY GAMES IN SARAJEVO

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOGLIETTA. Mr. Speaker, 9 years ago the eyes of the world were on Sarajevo, celebrating the human spirit at its very best—young people from all over the world competing in sports. Today, the eyes of the world are again on Sarajevo, but not in celebration of the winter Olympics. Today, they play only very deadly games in Sarajevo. But they are not games. They are atrocities. Thousands of innocent men, women and children have died. They die of starvation, sniper fire, in random artillery attacks and of horrible torture. Last week's mortar attack on a crowded market which killed 68 people and injured hundred others, is just the latest and most widely publicized atrocity. Sadly, many more innocent people die every day—but their cries are never heard.

Some of my colleagues have taken to the floor to compare this tragedy to the movie "Schindler's List." It is time, my colleagues, that we put the people of Bosnia on America's list.

FROM LITTLE ROCK TO JAILHOUSE ROCK

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, today we find out the nominees for the Academy Awards in Hollywood. I thought I would take the liberty of presenting the Academy Awards for the longest-running comedy in Washington—Whitewatergate.

Best Actress in a full-scale cover-up: Hillary Clinton, who remembered to deduct every pair of Bill's used underwear, but somehow forgot to declare a $69,000 tax loss.

Best Incompetent Director: Bernard Nussbaum, who orchestrated the most bungled cover-up since Watergate.

Best Supporting Cast: the Rose Law Firm, the best-connected law firm since Bendini, Lambert and Lock in The Firm.

Best Supporting Actor in a crime story: Arkansas Banker James McDougal, who has been walking on both sides of the law for years.

Best Special Effects: the Rose Law Firm shredder. Like the Energizer Bunny, it just keeps on shredding, and shredding, and shredding.

Best Set Design and Prop: Bill Clinton's El Camino, the one with the astroturf. The actresses in those scenes remain unidentified.

Best Song: Jailhouse Rock, for James McDougal, with Bill Clinton on saxophone.

Best Film Adaptation: Bill and Hillary Clinton, for their winning reprisal of a slightly revised Woody Allen favorite: Lose the Money and Run.

Best Actor in a full-scale cover-up: Bill Clinton, who has insisted for months he knew nothing about a land deal that lost him $69,000.

HEALTH CARE REFORM

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, 2 weeks ago there was a tremendous breakthrough in the health care reform debate: President Clinton endorsed the Nickles/Stearn consumer choice plan.

An endorsement of the Nickles-Stearns plan, you say. When? Where? Why? Well, let me use the President's own words taken from his State of the Union Address:

> The American people provide those of us in government service with terrific health care benefits at reasonable costs. We have health care that's always there. I think we need to give every hardworking, taxpaying American the same health care security they have already given to us.

It is true, Federal employees have a health care system that puts them in charge, not huge Government bureaucracies. And, most importantly, this system is the model for the Nickles-Stearns consumer choice plan.

I wonder what changed the President's thinking. Maybe he realized there is no health care crisis, that targeted reform is what we need. Maybe he realized that rather than riding in on his "White Horse" to save the day he should keep it tied up in the White House stable.

Mr. President, take a close look at the Nickles-Stearns consumer choice plan. It is health care reform that puts consumers in charge, not the Government. And most importantly, it is the plan that you and I already have.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAROCCO). Members are reminded to direct their remarks to the Chair and not to the President.

PLEASE SUPPORT DISCHARGE PETITION NO. 12

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Constitution says a mass murderer is innocent until proven guilty. The IRS says a taxpayer is guilty, guilty, and must prove their innocence.

□ 1250

Unbelievable, Congress. In fact, Congress should be ashamed of themselves.

Mr. Speaker, today, I have submitted discharge petition No. 12 that basically says this: When the IRS points the accusatory finger at the American taxpayer, the IRS in any proceeding has the burden of proof.

Members, if the Constitution is good enough for mass murderers, dammit, the Constitution should still be applied to the IRS and the taxpayers of this country.

Discharge petition No. 12. I want your support.

CLINTON LITE IS A FIRST COUSIN OF CLINTON HEALTH REFORM PLAN

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, now that the national media has crowned the Cooper health care plan as an alternative to the President's health reform plan, some have started calling it "Clinton lite."

By calling it Clinton lite, they are pointing out the similarities between the plans. The Cooper plan is really a first cousin of Clinton and takes us down the path of Government controlled health care. It might take longer to get there with Clinton lite but the final result is the same—lots of Government regulations, mandates, and higher taxes.

It may be a third less bureaucracy than the regular Clinton plan, but it still threatens the health and well-being of American consumers.

The best way to avoid the Government-run monstrosity called the Clinton plan is to embrace a real alternative, not a slimmed down version of Government interference.

The real alternative is the Michel plan to cut costs, increase access, provide choice, and promote responsibility, all without the bureaucratic fat of either the Clinton or the Cooper plans.

Mr. COOPER should look for a relationship with the Michel plan in order to obtain real health care reform.

FELON GUN PREVENTION ACT

(Ms. HARMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, I rise today, with a bipartisan group of cosponsors, to introduce the Felon Gun Prevention Act to close an obscene loophole in the Federal Code.

Most Americans know that convicted felons lose certain rights including the right to vote, sit on juries, and own firearms. But most Americans are unaware of a dangerous loophole that lets felons appeal to the Bureau of Alcohol, Tobacco, and Firearms [BATF] to get back their gun rights.

Between 1985 and 1990, over 2,300 felons were granted firearm relief. Among those who got their gun rights back through this appeal were individuals convicted of illegally transporting firearms, dealing drugs, manslaughter, assault, robbery, and rape.

The outrageousness of this loophole is compounded by the fact that taxpayers must pay the entire bill for the research the BATF must do before granting relief. In 1991 alone, this program consumed over $4 million of the BATF's budget and more than 40 full-time employees.

It is time to close this loophole for good. I urge the House to pass the Felon Gun Prevention Act when the crime bill is considered after the recess.

ROSE FIRM SHREDS WHITEWATER RECORDS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, today the Washington Times headline reads "Rose Firm Shreds Whitewater Records." Employee says paper details Clinton involvement.

The bottom line is: What was the wrongdoing associated with the failed savings and loan that funded Whitewater and which ultimately cost the American taxpayer over $60 million?

The administration is not cooperating; answers have not been forthcoming. From today's headlines, it looks as if documents with those answers have been destroyed.

The time is about to run out on our ability to determine possible civil wrongdoing. As you can see from the calendar, it runs out on the 28th of February. The other body of Congress has been made aware, and I urge my colleagues in this body, the House, to act quickly; time is running out.

THE PRESIDENT IS ON THE RIGHT TRACK IN BOSNIA

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I start today with two premises. One is that President Clinton does not need me to defend him. He is eminently capable of doing that himself.

The second premise is that editorial cartoons, by their very nature, are meant to cut to the quick. They are not meant to be subtle or nuances. But having said that, I rise today to offer a few words in defense of Mr. Clinton concerning today's Herblock cartoon in the Washington Post.

The cartoon first states Mr. Clinton's quotes concerning Bosnia, which are to the general effect that until the people stop killing one another, bad things will continue to happen over there. But if you trace the history of that area, that is true because conflict goes back to that between the Ottoman Turks and the Austro-Hungarian Empire 500 years ago.

Then Herblock continues by putting words into the mouths of former Presidents by using their quotes and paraphrasing them, President Jefferson, the two Roosevelts, and President Kennedy. The effect of all this, Mr. Speaker, is to make President Clinton appear to be weak and vacillating and even timorous as Bosnia.

Now, I disagree with President Clinton with regard to the handling of Somalia, but I agree with him that we need to be cautious and circumspect before being drawn into a battle in Bosnia.

So I think the President is on the right track.

HEALTH CARE DELIVERY VEHICLE NEEDS GOOD TUNEUP—NOT MR. CLINTON'S PLAN

(Mr. CALVERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALVERT. Mr. Speaker, I ask my colleagues, "Have you ever taken your car in for a simple repair and come out with a bill for hundreds—or thousands—of dollars and your car runs worse than before?"

Well, I am afraid that is what will happen when Bill's health care repair clinic gets through with us.

Yes, our health care delivery vehicle is in need of a good tune-up to make it more efficient.

But, by the time Bill Clinton and his policy wonks get through with their overhaul, I am afraid our health care system will not resemble the Cadillac that we started with.

I fear that we will get back something which has all of the efficiency of a Winnebago and the quality of Yugo.

And I fear that Bill's bill will come to billions and billions of dollars that we do not have.

Mr. Speaker, I think Congress needs to read the fine print before we give our health care vehicle to Mr. Clinton's crew.

THE NEW WORLD ORDER IN INTERNATIONAL AFFAIRS: EVERYBODY PAYS THEIR FAIR SHARE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, the world is holding its breath as we all hope and pray that the new cease-fire in Bosnia will hold. I think one of the reasons we finally got the cease-fire is because the administration has been absolutely right in insisting that international organizations that we contribute so much to and that we pay so much to must reinvent themselves and they too must find their spines and stand firm against the horrors we have been seeing.

I think for too long they have felt we would always do it and they could pile on and take their bows. We must find a way in this New World Order that everybody pays their own fair share and does their part. This has been incredibly painful, but I think NATO is finally coming together, setting a deadline on the bombings, and speaking with one voice rather than many, and appearing to all to be willing to back that up with something other than words, has brought this cease-fire to the front, and I think it will dissipate if NATO dissipates.

So, let us hope we are starting to see these international organizations finally come to terms.

PRESIDENT'S DRUG STRATEGY

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, today the President released his long-awaited national strategy on drug control, which emphasizes treating and rehabilitating hardcore drug abusers while cutting back on broadscale overseas interdiction.

Sadly, this policy is a signal to drug traffickers to expand their shipments to the United States.

If the Colombian drug cartels were listed on the New York Stock Exchange, Wall Street would issue a buy signal for them after reading the President's new strategy.

It stands to reason that if interdiction is allowed to lag, more drugs will come into the country and this will create more users. Because today's user becomes tomorrow's abuser, the very treatment programs on which the administration wants to focus eventually will be swamped.

Mr. Speaker, many of us in the Congress have been in the front lines of our drug war for a long time and we have come to know what is essential. We don't need to reinvent the wheel.

We have to fight the drug war on five major battlefields—simultaneously reducing demand and supply through eradication and interdiction, enforcement, education, and treatment. We must go beyond the users and the abusers, and stop the pushers and producers

to be effective in the battle against drugs and crime.

□ 1300

CONFRONTING THE CAMPAIGN OF DISINFORMATION ON HEALTH CARE REFORM

(Mrs. MINK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK. Mr. Speaker, those who are opposed to the health care reform effort that is now ongoing are conducting a campaign of disinformation. The special interests who would maintain the status quo are unwilling to openly confront the facts of health care reform and why it is absolutely essential that this Congress enact a reform that goes to the critical issue of providing universal health care for everyone. Nightly we see on television all of the ads that are being paid for by special interests trying to defuse the argument and take it away from the essential elements of the President's proposal.

Mr. Speaker, we ought to be debating only those matters in the Congress that actually provide universal health care. Most of the proposals that are on the front pages of the newspaper do not provide universal health care.

The one other bill besides the President's bill is the single payer bill. It has nearly 100 cosponsors in the House of Representatives. I urge this body to give serious consideration to the single payer bill. The House Committee on Education and Labor finished hearings on that matter this week. I urge that the other committees do the same.

VETERANS OVERLOOKED IN BUDGET

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, after reading about veterans in the budget, I am left with the question: What priority do veterans have?

If the President's explanation is any clue, veterans are a low priority, his only mention being a $500 million increase for medical care. More ink—and space—is given to the $3 billion to be allotted to the VA if his health bill passes. The implication is clear: Veterans are being held hostage to the health bill.

The budget is flawed for other reasons—the construction budget drops $245 million. But the earmarked projects should raise some eyebrows—research wings to hospitals will be built in West Virginia and Oregon. At the same time research medicine is being cut by $41 million, and 800 research employees will be let go.

Why build the facilities if there are no employees and no money for research? The construction budget could be better used to upgrade current facilities, hospitals, or cemeteries.

This is an OMB document driven by dollars rather than an obligation to veterans—color it green, and not red, white, and blue.

HAWAII'S HEALTH CARE SYSTEM PROVIDES THE WAY TO GO

(Mr. ABERCROMBIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABERCROMBIE. Mr. Speaker, on October 25 an editorial entitled "Not So Easy as One, Two, Three," appeared in the Washington Post. It was prepared by the gentleman from Tennessee [Mr. COOPER] about his views on how best to cover the 7 million Americans who do not have health insurance. Unfortunately the gentleman from Tennessee [Mr. COOPER] was very critical of a national employer mandate to achieve universal coverage and referred to Hawaii's system of employer mandate which covers nearly all residents of Hawaii. He made this reference, as follows:

Hawaii has had employer mandate for 20 years and still has not achieved 100 percent coverage.

Mr. Speaker, I attempted to talk to the gentleman from Tennessee [Mr. COOPER] about his statement and to establish a perspective on this issue, and I was unable to do so. So, I will take advantage of the 1-minute segments that are given to us, and special orders, to dissect Congressman COOPER's health care plan and point out the advantages of the Hawaii health plan, and I can assure the Congress, and assure those who are listening in, that the Hawaii health care system provides the way to go, provides a good example with 20 years of experience instead of 20 minutes of consideration as seems to be the case with the Cooper bill, all theory, no experience.

Rest assured, Mr. Speaker, that I will explicate this issue to everyone's satisfaction in the days and weeks to come.

THE PRESIDENT'S ALLIES SAY HIS HEALTH CARE PLAN WILL INCREASE THE DEFICIT

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, yesterday the President received a major blow to his health care plan. The Congressional Budget Office told him and the American people that taxes are taxes, and spending is spending.

It does not matter how hard the President tries to hide the truth, he cannot.

Mr. Speaker, this is not the loyal opposition telling Mr. Clinton he is wrong. It is the CBO, an arm of the Democratic leadership.

It is the President's own allies who are telling him he is not telling the people the truth.

It is the President's own allies who are telling him that his health care plan is not going to decrease the deficit, it is going to increase the deficit by $70 billion. The President's numbers are off by $133 billion.

In going back, as my colleagues know, to 1965 when we introduced Medicare, at that time we projected that in 1990 it could cost $106 billion. In retrospect when we look back to 1990, we missed that mark by over $100 billion.

Mr. Speaker, it is time to call a spade a spade. It is time for the President to admit that his big Government-run health care plan is the largest tax-and-spend entitlement program in the history of America.

Mr. Speaker, I say to my colleagues, "The truth hurts, especially when it comes from your friends."

THE AMERICAN PEOPLE NEED A HEALTH INSURANCE GUARANTEE

(Mr. HINCHEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINCHEY. Mr. Speaker, as we begin to review competing health care plans, we have to keep in mind that our goal should be to assure that every American has good health care coverage at an affordable price. We should not be satisfied with anything less than that. We should not be satisfied with a promise of mere access. We should not be satisfied with a plan that merely allows people with modest incomes the opportunity to buy private coverage they cannot afford. And it seems to me that that is all that the Cooper plan offers.

Its focus is not on the needs of individual American families, families who need health insurance or better coverage. Its goal is protecting the structure of today's health care industry. That structure has not served us well. We need to have the courage to try something that will work.

I say to my colleagues, ask your constituents what Government programs they depend on the most. If they are like mine, they will tell you "Social Security and Medicare." Social Security and Medicare do not offer access. They provide guaranteed coverage. Social Security and Medicare do not rely on networks of private insurers. They rely on mandates. And they work. Let us give the American people an equally solid guarantee of health insurance for themselves and their families.

CRISIS POLICY: JUMP INTO AN ABYSS

(Mr. GOSS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the bad news comments on the Clinton health plan just keep rolling in—even from friendly Democrats. Last week a prominent Democrat member of the New York delegation equated adopting the Clinton health plan to "jumping into an abyss of the unknown."

He realized most Americans are generally satisfied with their health care—they are just afraid they might lose it. And they're right.

Under the Clinton plan, Americans could be directed to give up existing coverage and rely on a Government-run system that's been dubbed a "house of cards" by another well-known New Yorker, Mario Cuomo. The CBO Director has said to get Clinton health care reform we must get out our wallets. It will cost another $130 billion. "Edge up to the precipice, close our eyes, cross our fingers and jump." I disagree. There are much better choices out there than jumping. The acknowledged problems in our insurance system can be remedied by several other solid proposals we have before us. Let us not mislead America into the abyss of the Clinton plan. Why jump like lemmings when we can soar like eagles?

EFFECTIVE MARKET ACCESS MUST BE CENTERPIECE OF UNITED STATES-JAPANESE RELATIONSHIP

(Mr. PAYNE of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE of Virginia. Mr. Speaker, the United States is at a critical juncture in its relationship with Japan.

Later this week, Japanese Prime Minister Hosokawa will be in Washington to meet with President Clinton as the first set of negotiations under the United States-Japan framework agreement come to a close.

The goal of these negotiations is to open up Japanese markets to United States products including automobiles, auto parts, medical equipment and other products.

New markets mean new jobs for Americans.

For too long, the Japanese have been able to keep their markets closed to our products.

It is time for Japanese leaders, global leaders, to recognize that trade with the United States must be both responsible and nondiscriminatory.

Congress must stand with the President in pushing for an agreement that is both equitable and fair.

Effective market access must be the centerpiece of the United States-Japanese relationship.

Mr. Speaker, anything less is not acceptable.

THE PRESIDENT'S BUDGET TERMINATES PROGRAMS PROVIDING AID TO OUR LAW ENFORCEMENT AGENCIES

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, the largest single program scheduled for termination by the President's budget is the Department of Justice's formula grant programs that provide aid to State and local law enforcement agencies. The administration's defense of this proposed termination is the expectation that in the crime bill the Congress is considering these funds will be replaced.

Now here is the problem with that kind of reasoning:

First, what if we do not pass a crime bill? We have been working on it for 3 years. Second, assuming we do pass a crime bill, will the funds be sufficient to replace the funds that are being lost in today's budget that exists today? And even if the funds are sufficient, will they be there in time to avoid a gap being created in the providing of these vital funds to State and local law enforcement agencies? But even if the funds are going to be replaced in the crime bill, Mr. Speaker, I suggest that this is still not a valid policy because it sends a mixed message.

□ 1310

When the President in the State of the Union Address said that he intended to help fight crime and help local and State law enforcement agencies, he did not say, less the amount he was taking away from the existing budget that does exactly that.

Mr. Speaker, I am drafting a letter to send to the President which would urge him to withdraw his proposed termination of this grant program. I ask all my colleagues to join me in signing it.

INTRODUCTION OF BILL TO AMEND THE REVISED ORGANIC ACT OF 1954

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, today I am introducing legislation that would enable the Virgin Islands Legislature, if it so decides, to recast the framework of the territorial government so it may better respond to circumstances that today are far different from those envisioned by Congress when it implemented the Revised Organic Act of 1954.

The act sets forth the fundamental structure of the Virgin Islands territorial government, but now, 40 years later, conditions are much changed and the demands on the local government are far greater. Many Virgin Islanders, particularly on the island of St. Croix, believe the community has outgrown the boundaries that Congress proscribed in the Revised Organic Act almost two generations ago.

In 1954, the Virgin Islands was a sparsely populated territory with fewer than 30,000 people living on the three islands. Government revenues totaled about $7.5 million a year.

The Revised Organic Act which Congress crafted sought to conserve scarce funding and eliminate duplicative bureaucratic costs by centralizing the existing municipal governments on St. Croix, St. Thomas, and St. John into a single territory-wide entity.

Today, the islands' population has grown fourfold and government revenues have risen to more than $400 million a year. But while the demand for services is ever-growing, the delivery of those services has often fallen behind. Many Virgin Islanders, especially on St. Croix, are convinced that because departments and agencies are centralized on St. Thomas, which is 40 miles away by sea, local government, by its design, cannot be responsive to their needs.

Should the Virgin Islands Legislature determine that the best remedy would be to again decentralize and restore some degree of municipal government, there are concerns that such a change might not withstand a challenge in the courts unless Congress grants them the authority to do so.

During my 20 years as a Member of the House and with your support, Mr. Speaker and that of our colleagues, I have devoted much of my career to increasing self-government in the Virgin Islands and our American territories.

This great Nation has long recognized that its citizens, no matter where they reside under the American flag, should be allowed to determine the most effective and efficient form of government administration.

The laws that govern us are only as good as their ability to respond to change. In my district, the U.S. Virgin Islands, change has been great and the need now to accommodate change is just as great.

Therefore, in answer to a genuine need for structural reorganization, and in keeping with what is right and fair under our system of democratic government, I am introducing a bill that would amend the Revised Organic Act of 1954 to empower the Legislature of the Virgin Islands to create units of local self-government in the Virgin Islands.

I look forward to your support and that of my colleagues for this important piece of legislation.

HAITIANS INFECTED BY HIV VICTIMIZED BY UNITED STATES POLICY TOWARD HAITI

(Mr. MICA asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, United States policy toward Haiti is a Holocaust of our time—and no one seems to care. This administration turns its back, this Congress ignores the issue, and the media could care less.

Each month more than 1,000 Haitian babies die as a result of United States sanctions. Yesterday the bodies of two more Haitian children and two adults washed up on Florida's shore.

Yesterday I received this memo seeking donations to bury HIV Haitian babies dying weekly in south Florida.

President elect Clinton encouraged Haitians to seek refuge in the United States, then let scores drown at sea. President Clinton brought HIV infected Haitians into the United States contrary to our policy and law.

President Clinton cut and ran from Port Au Prince Harbor leaving thugs in charge. President Clinton let every Haitian deadline pass. President Clinton now wants to impose tighter sanctions.

Thousands more Haitian babies will die. The bodies of Haitian parents and children will wash upon my State's shores. Dead HIV babies to unburied and no one cares.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1804. An act to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

H.R. 2884. An act to establish a national framework for the development of School-to-Work Opportunities systems in all States, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1804) "An act to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes" requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mr. SIMON, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mr. WELLSTONE, Mr. WOFFORD, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. COATS, Mr. GREGG, Mr. THURMOND, Mr. HATCH, and Mr. DURENBERGER, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2884) "An act to establish a national framework for the development of School-to-Work Opportunities systems in all States, and for other purposes" requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mr. SIMON, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mr. WELLSTONE, Mr. WOFFORD, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. COATS, Mr. GREGG, Mr. THURMOND, Mr. HATCH, and Mr. DURENBERGER, to be the conferees on the part of the Senate.

The message also announced that pursuant to Public Law 102-380, the Chair, on behalf of the Majority Leader and with the concurrence of the Speaker of the House of Representatives, appoints Paul O. Reimer of California, as a member of the Defense Environmental Response Task Force.

PROVIDING FOR CONSIDERATION OF H.R. 811, INDEPENDENT COUNSEL REAUTHORIZATION ACT OF 1993

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 352 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 352

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 811) to reauthorize the independent counsel law for an additional five years, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 302(f) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with section 302(f) of the Congressional Budget Act of 1974 or clause 5(a) of rule XXI are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After passage of H.R. 811, is shall be in order to take from the Speaker's table the bill S. 24 and to consider the Senate bill in the House. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 811 as passed by the House. All points of order against that motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 24 and request a conference with the Senate thereon.

Mr. DERRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida [Mr. GOSS], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 352 provides for the consideration of H.R. 811, the Independent Counsel Reauthorization Act of 1993. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Judiciary Committee. Under the rule, section 302(f) of the Congressional Budget Act, which prohibits consideration of measures that would cause the appropriate subcommittee level or program level ceilings to be exceeded, is waived against consideration of the bill.

The rule makes the Judiciary Committee substitute, now printed in the bill, in order as an original bill for the purpose of amendment. The substitute shall be considered as read.

Section 302(f) of the Congressional Budget Act and clause 5(a) of rule 21, prohibiting appropriations in a legislative bill, are waived against the committee substitute.

The rule makes in order only those amendments printed in the report to accompany the rule. The amendments shall be considered in the order and manner specified in the report and may be offered only by the member designated in the report or his designee. The amendments shall be considered as read and shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent. The amendments shall not be subject to amendment except as specified in the report, shall be considered as read, and shall not subject to a demand for a division of the question.

All points of order are waived against the amendments printed in the report. Further, the rule provides for one motion to recommit with or without instructions.

Finally, the rule provides for a hookup with the Senate passed bill S. 24. After passage of H.R. 811, the rule makes it in order to consider S. 24 in the House. All points of order are waived against the Senate bill and against its consideration. The rule further makes in order a motion to strike all after the enacting clause of S. 24 and insert the text of H.R. 811 as passed by the House. All points of order are waived against the motion. If the motion is adopted and the Senate bill, as amended, is passed, the rule makes in order a motion that the House insist on its amendments to S. 24 and request a conference.

Mr. Speaker, H.R. 811 reauthorizes for 5 years the independent counsel provisions of the Ethics in Government Act which would allow the appointment of special prosecutors to investigate alleged wrongdoing by top executive branch officials, including the President. The purpose of the provisions was to ensure that investigations are carried out impartially and without favoritism.

The bill creates a specific category of coverage under the law for Members of Congress, allowing the Attorney General to use the independent counsel process with regard to allegations against Members if doing so would be in the public interest.

In addition, the legislation would establish an extensive series of cost and administrative controls to restrain spending by the independent counsel and to ensure better oversight of their activities.

In order to enforce cost controls, the bill requires each independent counsel to follow the same rules that govern spending by the Department of Justice, except in cases where the independent counsel can show that such a restriction would be inconsistent with the law.

Under the bill, each independent counsel is also required to designate an employee who will be responsible for certifying that expenses are reasonable and lawful, and who will be held liable for any improper spending.

The bill requires the General Services Administration to provide space for the independent counsel in Federal buildings, unless GSA determines that other arrangements would cost less. In addition, the General Accounting Office would be required to audit the administrative activities of each independent counsel and report the results to the congressional committees with oversight jurisdiction.

Finally, H.R. 811 requires each independent counsel to make an annual report to Congress describing the progress of any investigation, prosecution, and any additional information to justify the expenditures that the office has made.

Mr. Speaker, House Resolution 352 is a fair rule that will expedite consideration of this important legislation. I urge my colleagues to support the rule and the bill. I reserve the balance of my time.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 1 week ago this House—including 60 Members of the majority party—sent a thundering message that restrictive rules, which purposely shield Members from accountability, will not be routinely accepted and should not be tolerated. But until recently Democrat leadership seems to be ignoring the storm among its ranks. Today we have yet another restrictive rule, which arbitrarily prohibits fair and orderly consideration of a host of substantive, reasonable, common sense amendments to H.R. 811, the independent counsel bill, a bill which arguably affects every Member. Members were sent here to participate, to cast tough votes. We are expected to debate the issues, listen to all sides and then make our best judgments. That is the spirit of deliberative democracy. No one said it should be easy, comfortable or risk-free. But the Democrat leadership is bound and determined to slam the door on Members with reasonable amendments in trying to protect Members from being accountable to their constituents, and to shut off debate on matters displeasing to Democrat leadership. Time and again the majority assumes the most pretzel-like contortions to avoid the tough votes on the controversial issues. We saw it during last fall's debate on true spending cuts, when a sleight-of-hand substitute was offered so Members could sound tough but do next to nothing; and we saw it again when fiscal conservatives offered real spending offsets to pay for necessary disaster relief and were cut off at the pass. Even our distinguished Rules Committee chairman, JOE MOAKLEY, has acknowledged the trend of finding an "out" for Members uncomfortable with casting tough votes. And so we have the rule today, artfully crafted so Members never have to really vote on the central question of whether Members of Congress should be covered by the independent counsel statute or whether once again we should be insulated from accountability. There will be perception of a vote, of course, but a guided outcome is assured. Let us not forget that Congress' approval rating is sinking lower than the thermometer outside, in large part because most folks are fed up with lawmakers who routinely exempt themselves from the law. The ranking member of the Judiciary Committee, Mr. FISH, asked our Rules Committee for an open rule to consider this bill. My friend, Mr. BEILENSON, declared that "this bill is a perfect candidate" for an open rule. He made the point that it is an important bill. We have a series of worthwhile and relevant amendments and there is unquestionably plenty of time for free and unfettered debate. But when it came time for a committee vote, open debate lost in a 5 to 5 tie vote. Several very important amendments were shut out, including two of Mr. FISH's proposals seeking to ascribe Department of Justice standards to the independent counsel's expenditure of money and enforcement of criminal laws. We all remember how many millions Mr. Walsh blew in his first class approach to his work. The distinguished gentleman from Illinois, Mr. HYDE, was denied the opportunity to offer separate amendments to provide penalty for failure to protect classified information, to provide for orderly termination of the independent counsel and to establish a procedure to reimburse attorney's fees for individuals acquitted of charges or exonerated in an appeal disincentives for frivolous witchhunters. There were proposals to provide for reappointment of the independent counsel every 2 years and prevent the investigations from becoming taxpayer-financed will o' the wisps. All of these good ideas were summarily dismissed by the Rules Committee in a process of cherry-picking amendments to manipulate debate and force a predetermined outcome. The saddest part is that the majority members of the Rules Committee are so used to accepting the dictates from on high, that they almost rubber stamped rejection of a crucial proposal offered by Mr. HYDE requiring that the Attorney General have "specific information" from a "credible source" before beginning an investigation. When the merits of this proposal were made clear, the Members reversed their original position. A glimmer of deliberative democracy in the Rules Committee. Mr. Speaker, if Members would step out of their partisan roles and consider these amendments on their merits under an open rule process, there's no doubt we'd have a much-improved final product. Don't be fooled by the majority's prom-

ise of a clear vote on the issues our constituents care most about—under this rule that is guaranteed not to happen and it means a piece of legislation that is much worse than it needs to be. I urge my colleagues to vote "no" on the previous question, so that I may offer an open rule. Failing that I urge a "no" vote on this rule.

Mr. Speaker, I include for the RECORD the following printed material:

ROLLCALL VOTES IN THE RULES COMMITTEE ON AMENDMENTS TO THE INDEPENDENT COUNSEL REAUTHORIZATION ACT OF 1993

1. Open Rule.—This amendment to the proposed rule provides for a 2-hour, open rule for the consideration of H.R. 811, the "Independent Counsel Reauthorization Act," and makes the Judiciary Committee's amendment in the nature of a substitute in order as an original bill for the purpose of amendment under the five-minute rule. Sec. 302(f) of the Budget Act and clause 5(a), rule XXI are waived against the bill, and 5(a), rule XXI is waived against the substitute.

VOTE (Defeated 5–5): Yeas—Solomon, Quillen, Dreier, Goss, Beilenson; Nays—Derrick, Frost, Bonior, Gordon, Slaughter. Not voting: Moakley, Hall, Wheat.

2. Clinger No. 1.—"Executive Office Accountability Act of 1994" Amends the Inspector General Act of 1978 to establish an Office of Inspector General within the Executive Office of the President.

VOTE (Defeated 4–5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Bonior, Gordon, Slaughter. Not voting: Moakley, Frost, Hall, Wheat.

3. (En Bloc)—A) Hyde No. 3.—Ensures that the independent counsel complies with all laws and regulations regarding the use and disclosure of classified information. B) Hyde No. 5.—Provides that the division of the court, which appoints an independent counsel, will specifically and precisely state the exact purpose of the investigation. In addition, the initial jurisdiction would be limited to the alleged violations of criminal law that prompted the appointment of the Independent Counsel. C) Hyde No. 8.—Strikes provision in the bill which states that "no officer or employee of the Administrative Office of the United States Court shall disclose information related to an independent counsel's expenditures, personnel, or administrative acts or arrangements without the authorization of the independent counsel". D) Hyde No. 9.—Prohibits the federal government from taking an adverse personnel action regarding an individual being investigated or prosecuted by an independent counsel, unless a conviction has been handed down. E) Hyde No. 10.—Encourages the appointment of state & local prosecutors as independent counsels.

VOTE (Defeated 4–4): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Bonior, Gordon, Slaughter. Present: Beilenson. Not voting: Moakley, Frost, Hall Wheat.

4. Hyde No. 6.—Allows the division of the court to terminate an independent counsel once it determines that an investigation has been substantially completed.

VOTE (Defeated 4–5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Derrick, Bonior, Gordon, Slaughter. Present: Beilenson. Not voting: Frost, Hall, Wheat.

5. Hyde No. 7.—Provides that an individual would receive their attorney fees if they are acquitted or if their convictions are overturned on appeal.

VOTE (Defeated 5–5): Yeas—Solomon, Quillen, Dreier, Goss, Beilenson; Nays—Moakley, Derrick, Bonior, Gordon, Slaughter. Not voting: Frost, Hall Wheat.

6. (En Bloc).—A) Fish No. 12.—Requires that independent counsel comply with established Justice Department policies regarding the expenditures of funds. B) Fish No. 14.)—Provides that the independent counsel shall comply with the established policies of the Department of Justice with respect to enforcement of criminal laws and the release of information relating to criminal proceedings.

VOTE (Defeated 4–5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Derrick, Bonior, Gordon, Slaughter. Not voting: Beilenson, Frost, Hall, Wheat.

7. Meyers No. 17.—Requires that an independent counsel's final report be limited to discussion of specific illegal actions investigated and the outcome of any prosecution.

VOTE (Defeated 4–5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Derrick, Bonior, Gordon, Slaughter. Not voting: Beilenson, Frost, Hall, Wheat.

8. Gekas No. 19—Requires an independent counsel to apply for reappointment every two years.

VOTE (Defeated 4–5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Derrick, Bonior, Gordon, Slaughter. Not voting: Beilenson, Frost, Hall, Wheat.

9. Gekas No. 20—Provides that after two years in office the independent counsel's office would be subject to the appropriations process.

VOTE (Defeated 4–5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Derrick, Bonior, Gordon, Slaughter. Not voting: Beilenson, Frost, Hall, Wheat.

10. Traficant No. 2—Adds a new section to the Act to give the Attorney General authority to have an independent counsel appointed to investigate allegations that Justice Department attorneys engaged in prosecutorial misconduct, corruption, or fraud.

VOTE (Defeated 4–5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Derrick, Bonior, Gordon, Slaughter. Not voting: Beilenson, Frost, Hall, Wheat.

11. Gekas No. 18—Mandatory Congressional Coverage & Bryant No. 27—Discretionary Congressional Coverage (King-of-the-Hill).

VOTE (Defeated 4–5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Derrick, Bonior, Gordon, Slaughter. Not voting: Beilenson, Frost, Hall, Wheat.

12. Adoption of rule—

VOTE (ADOPTED 5–4): Yeas—Moakley, Derrick, Bonior, Gordon, Slaughter; Nays—Solomon, Quillen, Dreier, Goss. Not voting: Beilenson, Frost, Hall, Wheat.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	55	12	22	43	78

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Feb. 9, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149, Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173, May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 218, July 20, 1993	O	H.R. 2530: BLM authorization, fiscal year 1994–95	NA	NA	
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act; fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187; F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise in support of the rule and, indeed, in support of the Independent Counsel Act.

The Committee on Rules has met its obligation. In a bipartisan basis, alternatives and changes are available to the House, assuring that if it is the House's will, by the end of this day or no later than the next, this House will be covered. There will be an independent counsel statute providing for an appropriate threshold and a means of assuring public confidence in the operations of this House. Therefore, I urge its adoption and compliment the committee on providing the broad alternatives and the opportunity to settle, after so many years of debate, this nagging question.

Mr. Speaker, I rise today, however, also on another subject and appreciate the committee yielding me the time. For some time it has been difficult to explain and may now be impossible to defend the administration's policies with regard to Bosnia. I understand the difficulty the administration faces and that there is an international embargo that cannot be violated by any one nation.

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However, indeed, that does not answer the question of why the United States is enforcing an embargo with the U.S. Navy when arguably we no longer find it in our national interest.

More inexplicable is why indeed, following the slaughter of last Saturday, the administration thinks there needs to be another week, or perhaps another provocation, before we can justify the elimination of the guns that are taking scores of lives, innocent lives, every day.

I understand there are allies who disagree. I understand we might have to go it alone. However, indeed, our conscience, indeed our heritage, argues that we do no less. It is time to defend the defenseless in Bosnia and bring the slaughter to an end.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the Speaker. I am not quite sure, we all have heartfelt concern about Bosnia on this side of the aisle, as the gentleman has outlined, but I am not quite sure how this is relevant to the debate on the rule. I can understand why the other side does not want to talk about this rule, but I hope we will talk a little bit more about it, because that is what is the subject before us.

Mr. Speaker, to that end I yield 5 minutes to the distinguished gentleman from New York [Mr. SOLOMON], the ranking member of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I appreciate the gentleman yielding me time. Because American lives might be at stake here, I think I might just respond briefly to the previous speaker.

Mr. Speaker, American foreign policy under Republican and Democrat administrations alike has always been to support and defend true democracies around the world from external attack. I call Members' attention to that: outside military aggression. Internal disputes and civil wars are another issue altogether.

If we were to lift the arms embargo on the official Bosnian Government, which we should have done months ago and allow them to defend themselves and allow them to obtain the strategic weaponry necessary to defend themselves, without sending one American soldier into this civil war situation, that is the direction we ought to be going.

Let us get back to the subject we rose to speak on.

Mr. Speaker, this modified closed rule on a bill as important as the Independent Counsel Act is an insult to the entire House and the American people.

Last week this House had the good sense to turn down a rule because it denied the House a right to consider an important amendment that was technically nongermane. This week, the Rules Committee does not even have that excuse with which to defend this rule.

This rule blatantly and intentionally does not allow a large number of germane amendments—amendments offered in the Judiciary Committee.

What is the excuse today? Frankly, I have not heard a good one yet—either upstairs in the Rules Committee last night, or today on the floor of the House. The best that can be said is that the Rules Committee is making some decisions for the whole House thus saving us some time.

The Rules Committee is sitting in judgment on the substance of major legislation and summarily executing certain amendments that it does not like for what ever reason.

I, for one, Mr. Speaker, am fed up with the Rules Committee playing procedural nanny for this House as if we are a bunch of babies who are incapable of making decisions for ourselves and our constituents.

How long are my colleagues on the other side of the aisle going to put up with this kind of Mary Poppins paternalism? How long are they going to run for cover behind her skirts and under her umbrella?

Mr. Speaker, we offered an open rule in the Rules Committee and it was rejected on a 5 to 5 vote. One Democrat joined us in support of that open rule, which is some progress.

I might note, however, that the last time this Independent Counsel Act was reauthorized in 1987, we considered it under an open rule and the sky did not fall.

After the open rule was rejected last night, we offered a series of other motions to make in order amendments submitted by various distinguished members of the Judiciary Committee:

The ranking Republican, Mr. FISH, was denied two important amendments he had submitted;

The very distinguished gentleman from Illinois [Mr. HYDE] was denied some seven amendments he had submitted; and

Another hard-working member of that committee, the gentleman from Pennsylvania [Mr. GEKAS], was denied two important amendments he had submitted.

And on and on it went. Our motions were defeated, most on party line votes—some 12 motions in all. What has this House come to that we cannot seriously legislate anymore?

Even a distinguished Democrat Member of the Rules Committee admitted, after sitting through all the testimony, that most of the amendments offered were serious and legitimate attempts to improve this legislation. But this House will not be permitted even to consider or vote on those amendments.

Mr. Speaker, as if that were not enough, the Rules Committee devised an ingenious device to avoid a tough vote on the issue of mandatory congressional coverage by the independent counsel.

It provided that the Gekas amendment which mandates such coverage can be trumped by a Bryant amendment that essentially restates what is already in the bill, and that is that congressional coverage is discretionary.

What that means is that the House will have a chance to vote on a meaningless amendment in order to avoid a meaningful one. That is because, if we vote for the Bryant substitute for the Gekas amendment, the House will never get to a vote on the Gekas amendment.

As one Democrat, perhaps unintentionally put it, "the Bryant amendment gives congressional cover."

Yes, that is what this clever procedure is all about—giving Members cover instead of giving Congress coverage under a law we impose on the executive branch.

And do not think the American people are not on to our evasion of the laws we impose on others. Here is another example.

Let us face it, Mr. Speaker, this rule is a profile in cowardice!

Mr. Speaker, I urge my colleagues to join us in voting down the previous question so that we can have an open rule that will allow all germane amendments to be considered under the regular order.

That is what we did in 1987. Are we a lesser Congress and lesser legislators than we were then? I hope not.

Vote "No" on the previous question so the House can vote "Yes" for an open rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I do not know. To a degree we have politicized all this business, and these bills have become the special prosecutor retirement plans and programs.

I think this bill is flawed for one major reason, a grave sin of omission. The intent of this act is to provide a mechanism to avoid the potential conflicts of interest or the appearances of conflicts, or conflicting loyalties which could arise if, in fact, the Attorney General or the President had to conduct or supervise a criminal investigation of themselves or other high-level, high-profile political figures.

This bill has been applied to political machinations in Washington that serve the purposes of Democrats and Republicans. Whichever side of the aisle one is on, we try and use it to make our point.

I had an amendment that was a little different. The true, ultimate conflict in this whole process is when the Justice Department, the foxes in the henhouse, have to investigate and prosecute themselves.

Nothing happens unless the Justice Department initiates it, and the so-called Traficant amendment said when the Attorney General finds credible evidence from credible witnesses that a U.S. attorney is in fact responsible for misconduct, prosecutorial misconduct, fraud, bribes, or any other allegations, that a special counsel, special independent investigator, would be assigned.

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Without that, what do we have, folks? The Justice Department investigates themselves. Is that not why we have the law, for the Justice Department in the conflict of investigating the President? Is that not why we have the law? Then how in the hell can we stand to let the Justice Department investigate themselves?

You see, the trouble with this bill is it is political. The Traficant amendment was about rights, because the people on the end of the list who are meting out the justice system by these U.S. attorneys are the American people whose rights have been ripped off with no recourse through some political process that Congress beats their chest about, but it does not do a damn thing for the people. It might solve the promises of the political aspirations here, but it does not help the people.

Mr. GOSS. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Speaker, the gentleman makes fabulous points. Unfortunately, the gentleman may not know that his amendment was offered in the Rules Committee and was voted down, sadly. It was offered by Republicans because we do not think this should be a partisan issue. Unfortunately, it was the gentleman's own party that let him down.

Mr. TRAFICANT. I have come to understand that, and I am disappointed. But the committee did not have any hearings, and I have asked the chairman. I will submit this in the form of a bill, and I have checked with the subcommittee chairman, the gentleman from Texas [Mr. BRYANT]. I will submit it in the form of a bill and here is all I ask: If this be the Democrats, who for some reasons do not want to get the Justice Department mad, you know we are afraid of getting the IRS mad, and maybe we are afraid of getting the Justice Department mad, and I would like to, if I could, enter into a colloquy with Chairman BRYANT and ask is it possible, because this was a new initiative that is germane, that I think should have been made in order, and I am going to submit it as a bill, and I would ask the chairman to give it that consideration, and is that possible?

Mr. BRYANT. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Texas.

Mr. BRYANT. Mr. Speaker, first I would like to respond by saying that the gentleman's very strong remarks about the intent of the Rules Committee, or our intent in carrying this bill, I think, are perhaps a little bit stronger than they should be, to say the least. The gentleman's proposal had never been heard before by the subcommittee, and I was unaware of it, and I was not even aware that the gentleman was going to be asking to have it made in order in the Rules Committee. If we are going to take a step like this, it should require careful study and hearings. It is for a different treatment from the purposes of this bill, which are very noble and good.

Mr. TRAFICANT. Taking back my time, if the gentleman did not have a chance to study it, it was germane, and we can study some of these rights issues for 50 years. Will the gentleman give me the consideration to look at the bill?

The SPEAKER pro tempore (Mr. TORRICELLI). The time of the gentleman from Ohio [Mr. TRAFICANT] has expired.

Mr. GOSS. Mr. Speaker, I am happy to yield 30 seconds to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Speaker, I yield to the gentleman from Texas [Mr. BRYANT] to ask him if he would give me the consideration of a hearing and studying this bill.

Mr. BRYANT. Mr. Speaker, as I stated just a moment ago, I think we will give careful consideration to it, and perhaps have a hearing. But having just heard about it in the last 15 minutes, I would not want to make a commitment in regard to hearings.

Mr. TRAFICANT. In concluding my time, let me say that I sat around over there for 4 hours. I am not on the Judiciary Committee. But I want to say this to the Rules Committee: This is a germane amendment, and it is the only one that deals with the rights and preserves and protects the rights of the American people. And we had better start becoming a special interest concern group for the American people.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the Commonwealth of Pennsylvania [Mr. CLINGER], the ranking member on the Committee on Government Operations.

Mr. CLINGER. Mr. Speaker, the rule fails to allow significant amendments. Why the majority party finds it necessary to strangle debate when we have the time to debate the issues honestly and openly, is a question the American people deserve to have answered.

I am particularly disappointed that the Rules Committee rejected my amendment to H.R. 811, which like the independent counsel legislation, was intended to further confidence in Government—this time, as it concerns the operations of the White House.

The amendment sought to establish an independent inspector general and a chief financial officer within the Executive Office of the President. An internal watchdog, and annual, audited financial statements, would have gone a long ways toward ensuring public confidence in the operations of the White House. Known independently as the Executive Office Accountability Act, this measure has been cosponsored by every Member of the Republican leadership and 15 members of the Government Operations Committee.

We could all cite examples of past White House mismanagement and malfeasance in both Republican and Democratic administrations: the misuse of travel resources; the travel office debacle; skirting of procurement laws to buy millions of dollars worth of unnecessary equipment; and retroactive personnel and pay actions. Episodes such as these only fuel the pessimism and mistrust Americans feel toward their Government.

If my amendment looked like a political statement then the Rules Committee failed to read it carefully. An honest consideration of my proposal reveals that it was crafted not with a Democrat President in mind, but with any President in mind. An inspector general can be a valuable resource for the Nation's Chief Executive. The Executive Office of the President is a huge complex with outlays of nearly $200 million in fiscal year 1993. The Executive Office of the President [EOP] conducts countless administrative tasks such as payroll actions and travel reimbursement. No other organization in the executive branch allows so many routine administrative tasks to go unchecked and unaudited. And, it is only these routine, administrative tasks which I hope to reach with my inspector general proposal.

When drafting this legislation I went to great lengths to give the President authority over his inspector general enjoyed by no other Government official. Both the inspector general and the chief financial officer at the White House are appointed by and under the direct control of the President himself. The President has full power to prohibit or suspend any IG review which he believes interferes with his constitutional authority as President or Commander in Chief. The amendment provides the inspector general with adequate tools to serve as an independent watchdog, while ensuring that Presidential authority is not improperly infringed.

I sincerely believe that this is an amendment President Clinton would have thanked Congress for passing in the months ahead. But the Rules Committee is denying him the benefits an IG and a CFO have to offer, and denying this body the opportunity for honest, open debate.

If you believe in the concepts supporting enactment of the independent counsel legislation, and you believe that all Government functions should be held accountable, then I urge you to oppose this rule.

Mr. DERRICK. Mr. Speaker, for the purposes of debate only, I yield 4 minutes to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Mr. Speaker, I would like to say that I regret very much the remarks I heard the gentleman from Florida [Mr. GOSS], and the gentleman from New York [Mr. SOLOMON], make a moment ago, and in saying that, I am basically repeating my statement from the Rules Committee meeting of yesterday. The fact of the matter is this rule is very fair. It allows a vote on the question of whether or not there ought to be mandatory coverage of Members of Congress. It allows two votes on it.

If Members want mandatory coverage of Members of Congress, then vote against the Bryant amendment. If they want mandatory coverage of Members of Congress, vote for the Hyde amendment. The rule allows two votes on this issue. For a Member to stand on the floor of the House and say it does not allow a vote on this issue is just, in my view, a simple case of misleading the Members of the House.

This rule makes in order 10 amendments. Six of them are Republican amendments and four of them are Democratic amendments. And it provides two clear alternatives, a Democratic alternative and a Republican alternative on the issue of coverage for Members of Congress. And it makes in order a Republican substitute for the entire bill which includes virtually every amendment offered in the Judiciary Committee on the Republican side as well as several other amendments.

Mr. Speaker, I would just like to say that it occurs to me that this institution needs a defense by the Members here that know better from some of the allegations that were made a moment ago. There is no evidence of hesitancy on the part of an Attorney General or Justice Department to prosecute Members of the House of Representatives. I cannot remember a time during the last 11 years when there was not some type of a prosecution of that nature going on.

The fact of the matter is the amendment I offered says that the Attorney General can, when it appears that it is in the public interest, designate an independent counsel to carry on the investigation of a Member of Congress. But she does not have to do so. Why? Because the independent counsel bill was designed to cover about 60 members of the executive branch who we have assumed that the Attorney General could not objectively investigate because they are her colleagues.

Advocates of mandatory Member coverage would increase that to 600 people, thereby impeding the ability of the Attorney General to take up a routine investigation of a Member of Congress without having to go through the cumbersome process of an independent counsel.

I would submit to the Members that, even if they disagree with my analysis, for some to claim that the Rules Committee is somehow denying Members of the House the opportunity to vote on this issue, is, in my view, the product of a purposeful, partisan strategy which some Members are bringing to the floor today to attempt to disgrace this institution. I believe this institution is full of good people. But I think it is quite often the case that groups within this institution sit together in the evenings and develop strategies that are designed to reflect well on them at the expense of everybody else. And I think that description characterizes the rhetoric we have heard today.

□ 1350

You say that somehow we are trying to keep the American people from being able to have an independent prosecutor pursue a Member of Congress that somehow we are involved in some great coverup. I would remind you, I say to the gentleman from New York [Mr. SOLOMON] and the gentleman from

Florida [Mr. GOSS], in 1987 when this matter was brought up on the floor of the House, the gentleman from New York [Mr. FISH], the ranking Republican member of the Committee on the Judiciary, voted against mandatory Member coverage. Was he involved in some coverup? Of course not. So, for goodness sake, soften your rhetoric.

Let us talk about facts here. Drop the demagogery. Let us get back to dealing with the real issues before the House, and that is what kind of an independent-counsel statute we ought to have. Let us make it apply to the 60 people it ought to apply to, and in those unusual cases where the Attorney General thinks it is in the public interest, she can choose an independent counsel to pursue a Member of Congress. But do not tell the public and do not tell the Members of this House that they are not being given the opportunity to vote on this issue, because they are.

Mr. GOSS. Mr. Speaker, I have profound respect for the gentleman. I differ dramatically from his characterization, and I will stick to my guns, and I think the gentleman from New York [Mr. SOLOMON] will. We will find out.

Mr. Speaker, I yield minute to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I would just say to the previous gentleman who was speaking that I do not have the time to yield. But he came close to having his words taken down when he talks about demagogery. We did not do that, out of respect to him.

Let me just say this: The American people want the U.S. Congress, Members of Congress, covered under this Independent Counsel Act. The Gekas amendment does just that.

The truth of the matter is the House is not going to have the opportunity to vote for that on the floor, because it is the intention of the gentleman from Texas [Mr. BRYANT], according to his testimony in the Committee on Rules, to offer a substitute knocking out the Gekas amendment. That means he is putting right back the same language as is in the bill now.

If it was not a subterfuge, then why is he even bothering to offer his amendment knocking out Gekas?

If we simply have an up-and-down vote on Gekas, and if the gentleman from Pennsylvania [Mr. GEKAS] fails, then the Bryant language is already back in the bill.

Who can explain that?

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 4½ minutes to the distinguished gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, first, I want to respond to one thing the gentleman from New York said that I am sure even he would admit was mistaken if he thinks about it, when he said this was Mary Poppins paternalism. If it was anything, it would have had to have been Mary Poppins maternalism. I am sure the gentleman from New York, on sober reflection, would agree with me.

Mr. Speaker, I want to talk about this terrible procedure we just heard about where an amendment that is the base text of the bill is offered. Why, that is such an outrageous procedure that the last time I heard of it it was in the armed services bill on the question of gays in the military, and it was supported by the Republicans that we do it that way. That was the amendment offered by the gentleman from Missouri [Mr. SKELTON].

The fact is that this Republican preference for open rules is the most occasional burning passion I have ever seen. I have rarely seen people so intermittently zealously committed to a principle which they are prepared to abandon on alternate days of the week, because I will tell you that during the past 12 years that I have been here I have fought against Republicans time and again, because I wanted amendments to tax bills and trade bills.

When we dealt with the question of fast track on NAFTA, one of the great issues that drove this issue, and the gentleman from Michigan [Mr. LEVIN] had an amendment that he wanted to make in order dealing with the terms under which NAFTA was debated, the Committee on Rules would not let it happen, and the overwhelming majority of the Republicans were there voting with the Committee on Rules, voting on the Committee on Rules to keep it out.

If people wanted a rule that we are always going to have open rules, OK, but let us not have this inconsistency masking itself as burning principle.

Second, let us talk about what would have happened if we had an open rule. First of all, I think the amendment offered by the gentleman from Pennsylvania would have been out of order. We have two arguments on the Republican side: First, you are spending too much money on the independent-counsel issue; and second, you are not spending nearly enough money on the independent-counsel issue.

Because right now about 60 people are automatically covered because they are that close to the President than it is inconceivable to think that there would be objectivity.

With Members of Congress, we said there may be a problem and there may not be and we will leave it up to the Attorney General. They would increase by a factor of 1,000 percent the number of people covered automatically. It would go from 60 to 600. There are 60 of them, and then there would be 550 of us. Let us assume that we are twice as honest as they are, that would cost five times more. If you assume we are half as honest as they are, that would cost 20 times more, because when you go from 60 covered people to 600 covered people, you dramatically increase the cost.

I do not believe my friend from Pennsylvania had CBO score this. I think he is in violation of the pay-go, because this will inevitably cost more money, unless you are prepared to vouch for the insistence that no Member of Congress will ever again be investigated, and I do no think so. I wish, but I do not think so.

So the fact is that we are talking about a rule which presents every important issue, and I have been dealing with the independent-counsel statute as a member of the committee since I got here, every important issue will be before the floor of the House.

Why is it not a totally open rule, in addition to trying to help out our friend, the gentleman from Pennsylvania? You heard it here, 10 amendments are in order, 3 of them noncontroversial, en bloc from the chairman, 7 other amendments of some controversy, and then they said 2 were turned down by this one and 2 from this one, 7 from this one and 1 from that one. There were 27 amendments offered. Take 27 amendments, debate each one of them for a couple of hours, have a rollcall, and you do not get a bill in time, and that might suit some people.

Because on the whole, the Republican Party has been trying to slow this bill down. In fact, in the Senate 14 Republicans, including the assistant leader of the Republicans in the Senate, the gentleman from Wyoming, voted to keep Member coverage the way it is in the Bryant amendment, and the justification for having the Bryant amendment and the Gekas amendment this way is this, it is to prevent the distortion that might come from people who would say people voting for the Bryant position were against Member coverage. Members are covered here.

There have been four Republicans to be Attorney General since the independent-counsel statute was adopted, adopted, by the way, by Democrats under a Democratic President; not Ed Meese, not William French Smith, not Richard Thornburgh, and not William Barr, no Republican Attorney General, not one of the four Republican Attorneys General that served under the independent-counsel bill have used his unquestioned, unchallenged authority to appoint an independent counsel. Any one of the four of them anytime a Member of Congress was accused of something could have invoked the independent-counsel provision.

They indicted Republicans. They indicted Democrats. They were not holding back that I can see.

After four Republican Attorneys General under two Republican Presidents consistently said, "We do not need the independent-counsel statute for Members of Congress," I am hard pressed to believe wholly in the impor-

tance of making that drastic, expensive change right now.

Mr. GOSS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania [Mr. GEKAS], who is on the Committee on the Judiciary and who I think is going to recharacterize some of the creative inspiration we have just heard.

Mr. GEKAS. Mr. Speaker, Members of the House, I thank the gentleman for yielding me this time.

I want to be brutally frank with BARNEY to start the discussion that I want to place in the CONGRESSIONAL RECORD, and to the effect that brutally frank as he was, he was incorrect on his assertion that my amendment would not be in order or not be found and no point of order and so forth, because I am not going to yield now, BARNEY. I am just refuting what you are saying, and then later you can come back on the floor if you want. At this moment I ask you to sit down and listen to me carefully, because I am very intent, as intent as you were during your presentation.

In any event, we have learned from the Parliamentarian, the Department of Justice, from the gentleman from New York [Mr. SOLOMON], and everybody else interested in this that there is no point of order placeable against the Gekas amendment, and if that was the thrust of what the gentleman from Massachusetts was saying, he was dead wrong. If there is some modification of that he wishes to make, he may gain some time and modify it at a later point.

In the meantime, what has been said here and what has been affirmed and reaffirmed by the gentleman from Texas [Mr. BRYANT], my excellent friend with whom I have coworked on 1,000 issues, is that the bill and the Gekas amendment are the points of confrontation, and that the Bryant amendment simply comes in from behind this whole episode and readopts the bill language so that the Members of the Democratic Caucus can have cover.

Some people allege when they vote on Bryant that they will be working for Congressional coverage to match the bill and overcome Gekas.

□ 1400

Now, wait a minute; that is too complicated. Let us put it this way: Bill and Bryant are the same, bill/Bryant; bill/Bryant have the same language. The bill and Bryant who comes in at the end of the cycle. Bill/Bryant is the same language; they say the Attorney General may, in the discretion of the Attorney General may—maybe, might—may bring an action and call for independent counsel against a Member of Congress when allegations are suitable to that are made.

"May." And that is exactly what the people of the United States from corner to corner are aghast at seeing time after time on the floor of the House and in the Congress in general, that we play favorites with ourselves, that we place ourselves in a category different from the ordinary citizen in one instance, and from other people in Government in a second instance. May, now, the Gekas amendment simply does the Bryants of the world a favor; it takes bill/Bryant's word for it that he, bill/Bryant, wants the Members of Congress to be possible targets of independent counsel. We help bill/Bryant in the Gekas amendment, elevating Members of Congress to the same stratum of possible targets of independent counsel as are members of the executive. That is what the American people want: for us to do away with the appearance of favoritism on our part, to do away with the appearance of special treatment for Members of Congress, and to do away with the reality of special treatment for Members of Congress, when you look at the bill and see if the Attorney General under the bill/Bryant can only be in the discretion of the Attorney General while in the Gekas amendment you make it mandatory.

The gentleman from Massachusetts [Mr. FRANK] was talking about increasing the cost. The gentleman from Texas [Mr. BRYANT] admits in all his dissertations that 535 Members of Congress are already in a list in front of the Attorney General. There is FRANK, there is BRYANT, there is GEKAS, there is SOLOMON in the list that the Attorney General has before her, even under the bill/Bryant language. So the Attorney General is looking over this list under bill/Bryant "may," and has 535 names from which allegations could be vested against any one of them and then may decide to prosecute. I take that same list and say she must have it in front of her to use as a possible list of targets for the appointment of independent counsel, the same expense, the same time, the same energy that could be expended in a "may" bill on bill/Bryant's part that they may look over the list of 535 extra targets that bill/Bryant continuously talks about and puts over here, that they must cover if indeed allegations are made against a Member of Congress.

Mr. Speaker, I will have more to say about this later. I will want to talk about bill/Bryant.

Mr. DERRICK. Mr. Speaker, I would almost believe that this is a foreign policy bill with all the Machiavellian diplomacy that seems to be going on here.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Indiana [Ms. LONG].

Ms. LONG. Mr. Speaker, I rise in support of this rule and the bill. Mr. Speaker, in 1978, Members of this body saw fit to enact an independent counsel statute to ensure that Federal officials are held accountable to the people of our country. I rise today in support of this rule and H.R. 811 to reauthorize the independent counsel law.

Few people disagree that there are occasions when it is necessary to have a special prosecutor who is independent of the Attorney General. There has been a need throughout U.S. history for a mechanism to appoint a temporary independent prosecutor to investigate alleged wrongdoing by high-level Federal Government officials. During President Grant's administration, a special prosecutor was appointed to investigate the so-called whiskey ring. We had further independent investigations in the 1920's with the Teapot Dome scandal, another during the Truman administration and, of course, the independent investigation of the Watergate cover-up which prompted the authorization of the special prosecutor rule under the 1978 Ethics in Government Act.

The authorization of the independent counsel law is the right thing to do if we are to avoid conflict of interest in maintaining the integrity of this Government. The Attorney General is at the same time the chief Federal law enforcement official and a Presidential appointee who is a key member of the President's Cabinet. Cases involving possible wrongdoing by high-level executive branch officials, therefore, present a fundamental conflict of interest—it is too much to ask for any person to investigate a superior and it is too much to ask the public to feel easy about the vigor and thoroughness with which such an investigation could be pursued.

With this reauthorization, the independent counsel law would also be extended to include Members of Congress when there is a perceived conflict of interest. I support the inclusion of this discretionary authority for the Attorney General and I hope this Congress will not politicize the independent counsel law by making the coverage of Members of Congress mandatory. The Department of Justice must continue to have the primary role in prosecuting crimes involving official misconduct.

It is time this Congress took steps to ensure the American people's confidence in the integrity of its Government. The independent counsel law is the single most important reform to come out of Watergate and it was unfortunate that it was allowed to lapse during the 102d Congress. I hope that 103d Congress has the good sense to reauthorize it. I urge support of the bill.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the distinguished gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, let me just state for the record that the Bryant amendment or the bill and Bryant amendment, with nearly identical language passed the Senate with a bipartisan majority, and the Gekas amendment was defeated by 67 to 31 in the other body.

Now, that may not reassure a lot of Members here, but let us state that for the record.

The rule is fair. It allows 10 amendments, 4 by Democratic Members and 6 by Republicans. The rule provides for these two clear alternatives, a Democratic alternative and a Republican al-

ternative, on the issue of coverage for Members of Congress.

The rule makes in order a Republican substitute for the entire bill, which includes virtually every amendment offered in the Committee on the Judiciary. Finally, the rule also makes in order several individual amendments on other major issues in the bill.

Let me state what the Bryant amendment does, which we urge all Members to support: Members of Congress would be explicitly covered by the independent counsel law for the first time.

Second, the Bryant amendment authorizes the Attorney General to invoke the independent counsel procedures to investigate and prosecute Members of Congress whenever the Attorney General determines that, "It is in the public interest." This again passed the other body with a bipartisan majority.

Mr. Speaker, earlier in the 1-minute discussions a Washington Times story came up about the Whitewater issue. Let me just state what the managing partner of the Rose law firm, Ronald M. Clark says. He strongly denied the reports in the Washington Times that the firm had shredded Whitewater documents, "Totally false." This is the managing partner of the firm.

When asked whether the firm had shredded documents related to Whitewater, Mr. Clark stated, "Absolutely not." The Washington Times reports "a source" as a "Rose employee," and not an attorney with the firm. Mr. Clark also states that the firm's employees are under no gag order or anything else, so they can speak freely.

Let me just quote one of the sources that the Washington Times has for the story. It is reported that a second employee who took part in the shredding would not talk about it, but declined to say the incident had not occurred. This is "the source:" "I am not going to comment. I am not going to say anything about what happened. I would just prefer not to say anything about this at all." This is one of the sources for this story, which has absolutely no foundation, no credence.

Mr. Speaker, the bill we are debating today on the independent counsel is a good one. It is one that guarantees coverage of Members of Congress. The gentleman from Texas [Mr. BRYANT], a very ethical and dedicated Member of this body, who has a long record on this issue, has put forth a good bill which we should all support.

MEMBER COVERAGE AND THE INDEPENDENT COUNSEL STATUTE

THE DEMOCRATIC ALTERNATIVE—THE BRYANT AMENDMENT

Under the Bryant Amendment, Members of Congress would be explicitly covered by the Independent Counsel Law for the first time.

The Bryant Amendment authorizes the Attorney General to invoke the Independent Counsel procedures to investigate and prosecute Members of Congress whenever she determines that it is "in the public interest."

Nearly identical language was adopted by a bipartisan majority in the Senate.

THE REPUBLICAN ALTERNATIVE—THE GEKAS AMENDMENT

The Gekas Amendment requires the Attorney General to invoke the independent counsel procedures whenever a Member is accused of wrongdoing.

The Gekas Amendment removes the Attorney General's discretion to prosecute Members of Congress—even in cases where a Justice Department prosecution would be more appropriate than an independent counsel.

The Gekas Amendment imposes special treatment for Members of Congress, treating them differently than every other American except for a very select few officials in the executive branch.

The amendment would increase the cost of the independent counsel process by requiring a tenfold increase in the number of persons with mandatory coverage.

The Gekas Amendment was defeated on the Senate floor by a vote of 67–31.

Mr. Speaker, I rise today in support of the rule and in support of H.R. 811, the independent counsel reauthorization.

This is a fair rule. It makes in order 10 amendments, 6 of which are being offered by Republicans and 4 by Democrats. The rule provides for two clear alternatives on the issue of independent counsel coverage of Members of Congress—one Democratic and one Republican.

The rule even makes in order a Republican substitute for the entire bill which includes almost every Republican amendment offered in the Judiciary Committee.

We will hear all sorts of opposition to the rule based on the claim that the Republicans are unable to discuss issues they care about. Nothing could be further from the truth. As I have said and the rule makes clear, the major issues surrounding this legislation will be debated and voted upon during consideration of H.R. 811.

It is imperative that we pass the rule and the bill. H.R. 811 provides a 5-year reauthorization of the independent counsel and includes new and strong rules to prevent wasteful government spending. In addition, the Bryant amendment mandated for the first time that Members of Congress be explicitly covered by the independent counsel law.

Mr. Speaker, today, when the public's trust and respect for government is at a record low, we must act to reauthorize the independent counsel and explicitly state that Congress is covered by the law. I, therefore, urge my colleagues to support the rule and H.R. 811.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER] our ranking member on Whitewater and well known for other matters.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I was particularly pleased to hear the gentleman from New Mexico fill us in on the latest incident in the whole matter of Whitewatergate. I mean we get so many denials on the floor these days that you cannot keep up with them. One has to wonder how many more rules we will have to debate to keep getting denials about what is happening in Whitewatergate. All we would like to know is where are all these documents? I mean if the documents are not being shredded at the Rose law firm, where are they and why can they not be made public? Of course, they cannot be made public because the President refuses to allow them to be made public.

Mr. Speaker, one of the dirtiest little secrets that Washington has is that this House of Representatives has been in control of the Democrats for 40 years. For 40 years Democrats have carved out for themselves positions of privilege and power and then sought all kinds of ways to hang onto those positions to make certain that they keep themselves separate from things other Americans have to live by.

There is no greater contrast that you can come up with than the difference between the Democrats and Republicans than this rule because in this case the Democrats are saying flatly, "We don't want Congress covered by the same laws that we pass for others." Republicans, on the other hand, in fighting against this rule, are saying, "We want Congress to live under the laws that other people have to live under." It is a great contrast here to understand that. The American people have said flatly, "Congress, why don't you live under the same laws you pass for us and pass for others?" In this case, what the Democrats are trying to do is, from their positions of privilege and power, are saying, "No, we want an exception."

Under this particular bill, Republicans are seeking coverage for Congress under the independent counsel statute. The Democrats do not want coverage, they want cover.

And so what they have done is put a procedure into place where the gentleman from Texas [Mr. BRYANT] will come in with his substitute to the gentleman from Pennsylvania [Mr. GEKAS] to make certain the Democrats never have to vote on the real issue of whether or not to cover Congress, really, under the independent counsel statute.

□ 1410

When we get to the question of the Bryant amendment, it is being reported, and he admits his is optional coverage. As my colleagues know, the question here is optional. For other people that would be covered under the statute it is mandatory.

And let us understand here that what we are talking about is criminals. We are talking about a people who allegedly have committed criminal acts. "If you're in the Congress, you may have an independent counsel. If you're not in the Congress, you will have an independent counsel." That is the difference. "If you are privileged and if you are in a position of power in the Congress, you may be covered. If you are not in the Congress, you will be

covered." There is a big difference here, my colleagues.

The dirty little secret that the Democrats have controlled this body is no more evident than on this floor today.

Mr. DERRICK. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Mr. Speaker, I would like to say that the remarks of the gentleman from Pennsylvania [Mr. WALKER] are most unfortunate and, in my view, do not reflect well on him for having spoken in those terms.

I say to my colleagues, No. 1, you are given two opportunities to vote on the issue of mandatory member coverage. Two opportunities. No. 2, for the gentleman to say that this is some type of a Democratic conspiracy, which, by the way, the gentleman says about everything he speaks about on this floor, I think would raise a serious question about why these Republican Senators voted exactly opposite of what the gentleman from Pennsylvania [Mr. WALKER] has advocated.

Senator STEVENS from Alaska——

The SPEAKER pro tempore [Mr. LAROCCO]. The gentleman from Texas [Mr. BRYANT] should refrain from referring to specific votes from the Senate.

Mr. BRYANT. Could the Speaker pro tempore clarify his ruling? I am not sure what I am prohibited from doing.

The SPEAKER pro tempore. The gentleman may refer to the vote total, but not to the specific Members of the other body and how they voted.

Mr. BRYANT. Mr. Speaker, I would just point out that the vote was 67 to 31, and the gentleman from Pennsylvania [Mr. WALKER] has succeeded in preventing me from calling the names of 14 distinguished Republican Senators who the gentleman has basically indicted in his statement today as coconspirators with a bunch of other people that are trying to prevent the American people from getting something the gentleman thinks they deserve.

I would also say to the gentleman from Pennsylvania, that you stated here on the floor of the House that somehow the effort is afoot by these 14 Republican Senators and us to keep Congress from being covered under laws that apply to everybody else. The independent counsel statute is designed to cover only 60 people in the executive branch. It does not apply to everybody else.

We are treated, as Members of Congress, like everybody else except that the Attorney General is permitted, at her option, if she believes it is in the public interest, to assign an independent counsel in those cases. But we are treated like everybody else in regard to independent counsel. Sixty people are treated differently.

I say to the gentleman that you know the distinction, but it does not fit into your propaganda, and I think that your premeditated efforts to come forward on the floor of the House here and make these statements today are part of just that, partisan propaganda, Mr. WALKER.

I say that we should pass a bill for once without all of this rhetoric and deal with the issues on the merits.

Mr. GOSS. Mr. Speaker, may I make an inquiry of how much time remains on each side and get an idea of how many speakers there will be?

The SPEAKER pro tempore. The gentleman from Florida [Mr. GOSS] has 6½ minutes remaining. The gentleman from South Carolina [Mr. DERRICK] has 4½ minutes remaining.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished whip of the minority party, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, let me pick up the dialog that was just going on because I think people in this country deserve to be told the truth, and the truth is the Democratic leadership uses the Committee on Rules, in its 40 years of one party control of this House, in order to rig the game for itself.

Now the truth is, if I understand it, and the gentleman from South Carolina [Mr. DERRICK] can certainly interrupt me if I have this wrong, but the truth is the way this will be rigged is that the gentleman from Pennsylvania [Mr. GEKAS] will be allowed to offer a direct amendment which will, in fact, cover the Congress under independent counsel. We will not at that point have a vote on Mr. GEKAS. We will not have a chance for every person in the country to see every Member vote yes or no on covering the Congress. At that point the Democratic leadership, through the Committee on Rules, has rigged the game so that the gentleman from Texas [Mr. BRYANT] will offer an amendment which will be a substitute for Mr. GEKAS. Mr. BRYANT'S amendment, and the current and the newly offered bill actually weakens current law. Current law says that the Attorney General, if they are concerned about, quote, personal, political or financial conflict of interests with the accused Member, have an obligation to appoint counsel. That is now being replaced by the much broader term in the public interest.

So, in fact we will never get inside the amending process in the committee. We will never get a freestanding vote on the amendment to be offered by the gentleman from Pennsylvania [Mr. GEKAS].

I ask my friend, the gentleman from South Carolina [Mr. DERRICK], "Is that not correct?"

Mr. DERRICK. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from South Carolina.

Mr. DERRICK. I say to the gentleman, You're going to get an opportunity to vote on the Hyde substitute, and you can vote on everything that you and the Republicans want to put in there——

Mr. GINGRICH. Mr. Speaker, I reclaim my time because what the gentleman just said, of course, was, in fact, "No." There will never in the Committee of the Whole during the amending process be a vote on Gekas. That is what the gentleman said.

I say to the gentleman, You don't want to tell the country that when we offer the motion to recommit, which we will offer if Bryant passes, and the motion to recommit is the Gekas amendment, that every Democrat walking on this floor will be told, Oh, don't vote for the motion to recommit. That's a Republican procedural vote. And you weren't willing to make Gekas freestanding as a clean vote on the House floor in the Committee of the Whole because you know that faced in the Committee of the Whole as an amendment with Gekas that your Democratic Members will be afraid to go back home and say, Oh, I voted against covering Congress because every organization in the country in small business, every organization in the country in taxpayer groups, every conservative and citizen organization, is saying they are sick of Congress passing laws that don't apply to Congress, and Gekas is the only amendment that truly applies, despite the Independent Counsel Act to the Congress.

Let us go a step further. The gentleman from Illinois [Mr. HYDE], one of the most distinguished members of the Committee on the Judiciary in either party, a man who has earned the right, earned the right by years of service, to come to this floor with amendments, went to the Committee on Rules with eight amendments—eight. But the Democrat leadership did not want to face Mr. HYDE's eight amendments because they might pass. So, they said, "Oh, let's rack them up into one package, and then let's find one or another excuse to not vote for the Hyde substitute."

I say to my colleagues:

Well, look later on today since the gentleman from South Carolina has pointed out to his Democratic colleagues. You get a chance on the Hyde substitute to vote to cover Congress. So, if you want to vote to cover Congress, even under this rule, vote for the Hyde substitute, not quite as clear as Gekas, has six other things attached to it because of the way the Democratic leadership for 40 years has run this place. Doesn't quite let the American people see it as clear as they could, but it is there.

Mr. Speaker, I just think it is a shame and a travesty that the Democrat leadership is so afraid of its own Members and so afraid of the American people that on an issue of honest Government it cannot come in and offer a

rule that makes in order the legitimate amendments of people like the gentleman from New York [Mr. FISH], the ranking member; the gentleman from Pennsylvania [Mr. GEKAS] who deserves a clean vote, and the gentleman from Illinois [Mr. HYDE] who has served so ably in that. These are all committee members. These are members who have earned the right by their service on the Committee on the Judiciary to offer on the floor a clean debatable amendment with a clear up or down vote. But in that setting the Democrat leadership, which absolutely owns the Committee on Rules by 9 to 4, said:

Oh, no. Even on a matter of cleaning up government, even on a matter of reform, even on independent counsel, we simply aren't in a position where we can allow the American people to see the votes.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I want to reflect on the fact that the one amendment that they did make in order changes the date in the bill from 1993 to 1994. They made that amendment in order. They found ways to do that. But they could not allow legitimate amendments speaking to the real substance of the bill.

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from New York.

□ 1420

Mr. FISH. Mr. Speaker, I just came on the floor, and I understand that in previous discussion concerning the rule a statement was made about a vote I cast a number of years ago on similar coverage. That was in 1987, I believe, about congressional coverage. My recollection is that at that time the amendment was offered by Mr. SHAW and I voted in favor of it. It is also a matter of record that I voted for this provision, the Gekas amendment, in the Judiciary Committee bringing this bill to the full House.

Mr. GINGRICH. Mr. Speaker, I appreciate the distinguished gentleman from New York, who is our ranking member and our leader on the Judiciary Committee, making it clear, despite the earlier claim by a Democrat who is seeking to confuse the situation, that in fact he had voted for it.

Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore (Mr. LAROCCO). The gentleman from Georgia [Mr. GINGRICH] has approximately 30 seconds remaining.

Mr. GINGRICH. Mr. Speaker, with only 30 seconds left, let me just say in closing that I think the country needs to watch all year every rule, watch the way the game is rigged, and watch the way leadership closes off debate and the way the Democrat leadership closes off debate, and I would appeal to my Democrat colleagues, if you want to show your independence of the machine, if you want to show you are not afraid to face the Gekas amendment, if you want to show you are willing to vote directly in the Committee of the Whole for an amendment to have Congress covered by the bill, vote "no," send it back up to the Rules Committee, and let us bring an honest open rule back that gives us a vote on Gekas and does not masquerade by pretending to give what it takes away with another hand.

The SPEAKER pro tempore. All time on the minority side has expired.

Mr. DERRICK. Mr. Speaker, I yield myself 30 seconds.

Let me say, Mr. Speaker, that the prior gentleman speaketh too much. He knows very well that if you want to vote on Gekas, you vote "no" on Bryant, and if Bryant does not pass, you get a vote on Gekas.

Mr. Speaker, you get a vote on Gekas on a motion to recommit. You can also put Gekas in the Hyde amendment and get an opportunity to vote on it there. That is three times you have the possibility of getting a vote on Gekas. You can turn it any way you want to. There were 10 amendments made in order, 4 of them were Democratic initiatives, 3 Republican initiatives, so this is a very fair rule. It gives an opportunity for the House to vote on the issues that are before the House.

Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, listening to the minority whip reminds me of my younger days when I visited the carnival and saw the shell game. That is what this is all about. Many of the Republicans as a matter of policy have been opposed to the independent counsel statute for years. They find many reasons basically to gut it, to derail it, and to attempt to weaken it, and this business about not covering Congress is just nonsense.

First of all, the Department of Justice is in the executive branch of the Government, as my colleagues know. There is no conflict involving the prosecution of Members of Congress who step out of line. They have been doing it all down through the history of the executive branch of the government. The conflict comes in because we ask the Attorney General to investigate and prosecute Members within the executive government, numbering some 60. The minority whip misquoted the law.

This does not weaken the law. It is permissive now. Why should we require the Attorney General in every instance to prosecute Members of Congress, Democrats or Republicans, unless there is a need to do that? The Attorney General has that authority now and will have that authority in this legislation.

Mr. DERRICK. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I rise in strong support of the proposed rule to govern floor consideration of H.R. 811, and I compliment the fine work of Chairman MOAKLEY and the members of his committee in crafting this rule. I must say that the rule is so fair and accommodating to the minority that it gives this body the high pleasure of voting on some amendments twice—first as stand-alones and then all wrapped up in a sweet omnibus substitute package designed to eviscerate every single fiber of the independent counsel statute.

I want to draw special attention to one of the amendments to be considered—that is the application of the independent counsel statute to Members of Congress. Despite the fact that it truly is a red herring, some Republicans have made this issue the heart of their debate on the entire legislation. The irony is that the act, and H.R. 811, have provided for Member coverage since 1982, but that large fact seems to be an overlooked tiny detail to those making the ruckus. But, let's resolve today that we won't overlook small details in this debate.

It's high time for this body to cut through this charade and to take the issue head-on. It's a scare tactic, and we must resist it to finally put an end to the increasing practice of some of those who lob smoke bombs in the hope the Members don't take the time to really consider the issue. The proposed rule allows us to do so by making in order both the Gekas and the Bryant amendments.

The Rules Committee graciously has made in order three on my amendments that are of a technical nature. I don't believe any controversy is raised by this en bloc amendment; but, I would pause a moment on one part. There is absolutely no disagreement between the Republican and Democratic sides that the independent counsel should follow the Department of Justice guidelines and procedures with regard to the handling of classified material. That is, in fact, the existing law. To make that crystal clear, one of my amendments makes that requirement explicit in the independent counsel statute.

While the Rules Committee in its considerable wisdom did not permit all proffered amendments—including, I might add, one of my own—I believe the rule is a fair and workable one and deserves our strong support. I urge an "aye" vote, and let us go on with the important business at hand.

The SPEAKER pro tempore. All time has expired.

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 249, nays 174, not voting 10, as follows:

[Roll No. 16]

YEAS—249

Abercrombie	Filner	McCurdy
Ackerman	Fingerhut	McDermott
Andrews (ME)	Flake	McHale
Andrews (NJ)	Foglietta	McKinney
Andrews (TX)	Ford (MI)	McNulty
Applegate	Frank (MA)	Meehan
Bacchus (FL)	Frost	Meek
Baesler	Furse	Menendez
Barca	Gejdenson	Mfume
Barcia	Gephardt	Miller (CA)
Barlow	Geren	Mineta
Barrett (WI)	Gibbons	Minge
Becerra	Glickman	Mink
Beilenson	Gonzalez	Moakley
Berman	Gordon	Mollohan
Bevill	Green	Montgomery
Bilbray	Gutierrez	Moran
Bishop	Hall (OH)	Murphy
Blackwell	Hall (TX)	Murtha
Bonior	Hamburg	Nadler
Borski	Hamilton	Natcher
Boucher	Harman	Neal (MA)
Brewster	Hayes	Oberstar
Brooks	Hefner	Obey
Browder	Hilliard	Olver
Brown (CA)	Hinchey	Ortiz
Brown (FL)	Hoagland	Orton
Brown (OH)	Hochbrueckner	Owens
Bryant	Holden	Pallone
Byrne	Hoyer	Parker
Cantwell	Hughes	Pastor
Cardin	Hutto	Payne (NJ)
Carr	Inslee	Payne (VA)
Chapman	Jefferson	Pelosi
Clay	Johnson (GA)	Penny
Clayton	Johnson (SD)	Peterson (FL)
Clement	Johnson, E. B.	Peterson (MN)
Clyburn	Johnston	Pickett
Coleman	Kanjorski	Pickle
Collins (IL)	Kaptur	Pomeroy
Collins (MI)	Kennedy	Poshard
Condit	Kennelly	Price (NC)
Conyers	Kildee	Rahall
Cooper	Kleczka	Reed
Coppersmith	Klein	Reynolds
Costello	Klink	Richardson
Coyne	Kopetski	Roemer
Cramer	Kreidler	Rose
Danner	LaFalce	Rostenkowski
Darden	Lambert	Rowland
Deal	Lancaster	Roybal-Allard
DeFazio	Lantos	Rush
DeLauro	LaRocco	Sabo
Dellums	Lehman	Sanders
Derrick	Levin	Sangmeister
Deutsch	Lewis (GA)	Sarpalius
Dicks	Lipinski	Sawyer
Dingell	Lloyd	Schenk
Dixon	Long	Schroeder
Dooley	Lowey	Schumer
Durbin	Maloney	Scott
Edwards (CA)	Mann	Serrano
Edwards (TX)	Manton	Sharp
Engel	Margolies-Mezvinsky	Shepherd
English	Markey	Sisisky
Eshoo	Martinez	Skaggs
Evans	Matsui	Skelton
Farr	Mazzoli	Slattery
Fazio	McCloskey	Slaughter
Fields (LA)		Smith (IA)
Spratt	Thompson	Waters
Stark	Thornton	Watt
Stenholm	Thurman	Waxman
Stokes	Torres	Wheat
Strickland	Torricelli	Whitten
Studds	Towns	Williams
Stupak	Traficant	Wilson
Swett	Tucker	Wise
Swift	Unsoeld	Woolsey
Synar	Valentine	Wyden
Tanner	Velazquez	Wynn
Tauzin	Vento	Yates
Taylor (MS)	Visclosky	
Tejeda	Volkmer	

NAYS—174

Allard	Gingrich	Moorhead
Archer	Goodlatte	Morella
Armey	Goodling	Myers
Bachus (AL)	Goss	Nussle
Baker (CA)	Grams	Oxley
Baker (LA)	Grandy	Packard
Ballenger	Greenwood	Paxon
Barrett (NE)	Gunderson	Petri
Bartlett	Hancock	Pombo
Barton	Hansen	Porter
Bateman	Hastert	Portman
Bentley	Hefley	Pryce (OH)
Bereuter	Herger	Quillen
Bliley	Hobson	Quinn
Blute	Hoekstra	Ramstad
Boehlert	Hoke	Ravenel
Boehner	Horn	Regula
Bonilla	Houghton	Ridge
Bunning	Hunter	Roberts
Burton	Hutchinson	Rogers
Buyer	Hyde	Rohrabacher
Callahan	Inglis	Ros-Lehtinen
Calvert	Inhofe	Roth
Camp	Istook	Royce
Canady	Jacobs	Santorum
Castle	Johnson (CT)	Saxton
Clinger	Johnson, Sam	Schaefer
Coble	Kasich	Schiff
Collins (GA)	Kim	Sensenbrenner
Combest	King	Shaw
Cox	Kingston	Shays
Crane	Klug	Shuster
Crapo	Knollenberg	Skeen
Cunningham	Kolbe	Smith (MI)
DeLay	Kyl	Smith (NJ)
Diaz-Balart	Lazio	Smith (OR)
Dickey	Leach	Smith (TX)
Doolittle	Levy	Snowe
Dornan	Lewis (CA)	Solomon
Dreier	Lewis (FL)	Spence
Duncan	Lightfoot	Stearns
Dunn	Linder	Stump
Ehlers	Livingston	Sundquist
Emerson	Machtley	Talent
Everett	Manzullo	Taylor (NC)
Ewing	McCandless	Thomas (CA)
Fawell	McCollum	Thomas (WY)
Fields (TX)	McCrery	Torkildsen
Fish	McDade	Upton
Fowler	McHugh	Vucanovich
Franks (CT)	McInnis	Walker
Franks (NJ)	McKeon	Walsh
Gallegly	McMillan	Weldon
Gallo	Meyers	Wolf
Gekas	Mica	Young (AK)
Gilchrest	Michel	Young (FL)
Gillmor	Miller (FL)	Zeliff
Gilman	Molinari	Zimmer

NOT VOTING—10

Bilirakis	Huffington	Roukema
de la Garza	Laughlin	Washington
Ford (TN)	Neal (NC)	
Hastings	Rangel	

□ 1448

The Clerk announced the following pairs:

On this vote:

Mr. Rangel for, with Mr. Bilirakis against.

Mr. Washington for, with Mrs. Roukema against.

Ms. VELÁZQUEZ changed her vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAROCCO). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DERRICK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 242, noes 174, not voting 17, as follows:

[Roll No. 17]

AYES—242

Abercrombie	Gephardt	Mollohan
Ackerman	Geren	Montgomery
Andrews (ME)	Gibbons	Moran
Andrews (NJ)	Glickman	Murphy
Andrews (TX)	Gonzalez	Nadler
Applegate	Gordon	Natcher
Bacchus (FL)	Green	Neal (MA)
Baesler	Gutierrez	Oberstar
Barca	Hall (OH)	Obey
Barcia	Hall (TX)	Olver
Barlow	Hamburg	Ortiz
Barrett (WI)	Hamilton	Orton
Beilenson	Harman	Owens
Berman	Hayes	Pallone
Bevill	Hefner	Parker
Bilbray	Hilliard	Pastor
Bishop	Hinchey	Payne (NJ)
Blackwell	Hoagland	Payne (VA)
Bonior	Hochbrueckner	Pelosi
Borski	Holden	Penny
Boucher	Hoyer	Peterson (FL)
Brewster	Hughes	Peterson (MN)
Brooks	Hutto	Pickett
Browder	Inslee	Pickle
Brown (CA)	Jefferson	Pomeroy
Brown (FL)	Johnson (GA)	Poshard
Brown (OH)	Johnson (SD)	Price (NC)
Bryant	Johnson, E. B.	Rahall
Byrne	Johnston	Reed
Cantwell	Kanjorski	Reynolds
Cardin	Kaptur	Richardson
Carr	Kennedy	Roemer
Chapman	Kennelly	Rose
Clay	Kildee	Rostenkowski
Clayton	Kleczka	Rowland
Clement	Klein	Roybal-Allard
Clyburn	Klink	Rush
Coleman	Kopetski	Sabo
Collins (IL)	Kreidler	Sanders
Collins (MI)	LaFalce	Sangmeister
Condit	Lambert	Sarpalius
Conyers	Lancaster	Sawyer
Coppersmith	Lantos	Schenk
Costello	LaRocco	Schroeder
Coyne	Lehman	Schumer
Cramer	Levin	Scott
Danner	Lewis (GA)	Serrano
Darden	Lipinski	Sharp
Deal	Lloyd	Shepherd
DeFazio	Long	Sisisky
DeLauro	Lowey	Skaggs
Dellums	Maloney	Skelton
Derrick	Mann	Slattery
Deutsch	Manton	Slaughter
Dicks	Margolies-Mezvinsky	Smith (IA)
Dingell	Markey	Spratt
Dixon	Martinez	Stark
Dooley	Matsui	Stenholm
Edwards (CA)	Mazzoli	Stokes
Edwards (TX)	McCloskey	Strickland
Engel	McCurdy	Studds
English	McDermott	Stupak
Eshoo	McHale	Swett
Evans	McKinney	Swift
Farr	McNulty	Synar
Fazio	Meehan	Tanner
Fields (LA)	Meek	Tauzin
Filner	Menendez	Taylor (MS)
Fingerhut	Mfume	Tejeda
Flake	Miller (CA)	Thompson
Foglietta	Mineta	Thornton
Frank (MA)	Minge	Thurman
Frost	Mink	Torres
Furse	Moakley	Torricelli
Gejdenson		Towns

Traficant	Volkmer	Williams
Tucker	Waters	Wise
Unsoeld	Watt	Woolsey
Valentine	Waxman	Wyden
Vento	Wheat	Wynn
Visclosky	Whitten	Yates

NOES—174

Allard	Gilman	Morella
Archer	Gingrich	Myers
Armey	Goodlatte	Nussle
Bachus (AL)	Goodling	Oxley
Baker (CA)	Goss	Packard
Baker (LA)	Grams	Paxon
Ballenger	Grandy	Petri
Barrett (NE)	Greenwood	Pombo
Bartlett	Gunderson	Porter
Barton	Hancock	Portman
Bateman	Hansen	Pryce (OH)
Bentley	Hefley	Quillen
Bereuter	Herger	Quinn
Bliley	Hobson	Ramstad
Blute	Hoekstra	Ravenel
Boehlert	Hoke	Regula
Boehner	Horn	Ridge
Bonilla	Houghton	Roberts
Bunning	Hunter	Rogers
Burton	Hutchinson	Rohrabacher
Buyer	Inglis	Ros-Lehtinen
Callahan	Inhofe	Roth
Calvert	Istook	Royce
Camp	Jacobs	Santorum
Canady	Johnson (CT)	Saxton
Castle	Johnson, Sam	Schaefer
Clinger	Kasich	Schiff
Coble	Kim	Sensenbrenner
Collins (GA)	King	Shaw
Combest	Kingston	Shays
Cooper	Klug	Shuster
Cox	Knollenberg	Skeen
Crane	Kolbe	Smith (MI)
Crapo	Kyl	Smith (NJ)
Cunningham	Lazio	Smith (OR)
DeLay	Leach	Smith (TX)
Diaz-Balart	Levy	Snowe
Dickey	Lewis (CA)	Solomon
Doolittle	Lewis (FL)	Spence
Dornan	Lightfoot	Stearns
Dreier	Linder	Stump
Duncan	Livingston	Sundquist
Dunn	Machtley	Talent
Ehlers	Manzullo	Taylor (NC)
Emerson	McCandless	Thomas (CA)
Everett	McCollum	Thomas (WY)
Ewing	McCrery	Torkildsen
Fawell	McDade	Upton
Fields (TX)	McHugh	Vucanovich
Fish	McInnis	Walker
Fowler	McKeon	Walsh
Franks (CT)	McMillan	Weldon
Franks (NJ)	Meyers	Wilson
Gallegly	Mica	Wolf
Gallo	Michel	Young (AK)
Gekas	Miller (FL)	Young (FL)
Gilchrest	Molinari	Zeliff
Gillmor	Moorhead	Zimmer

NOT VOTING—17

Becerra	Hastert	Neal (NC)
Bilirakis	Hastings	Rangel
de la Garza	Huffington	Roukema
Durbin	Hyde	Velazquez
Ford (MI)	Laughlin	Washington
Ford (TN)	Murtha	

□ 1506

The Clerk announced the following pairs:

On this vote:

Mr. Rangel for, with Mr. Bilirakis against.

Mr. Washington for, with Mrs. Roukema against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BECERRA. Mr. Speaker, I was unavoidably detained during rollcall No. 17, on agreeing to House Resolution 352, which provides for consideration of H.R. 811, the Independent Counsel Reauthorization Act, and did not cast my vote. During this vote, I was chairing the Science, Space, and Technology Subcommittee on behalf of Chairman VALENTINE. For the RECORD, I would like to announce that I would have voted "aye" on this resolution.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Speaker, during the week of February 7, I was called back to Illinois because of a death in my family. Had I been present, I would have voted:

"No" on rollcall 17, the rule for the independent counsel reauthorization bill.

REPORT OF NATIONAL SCIENCE BOARD ENTITLED SCIENCE AND ENGINEERING INDICATORS—1993—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science, Space, and Technology:

To the Congress of the United States:

Pursuant to 42 U.S.C. 1863(j)(1), I am pleased to submit to the Congress a report of the National Science Board entitled *Science and Engineering Indicators—1993*. This reports the 11th in a series examining key aspects of the status of American science and engineering.

The science and technology enterprise is key to the future of our Nation. The United States must sustain world leadership in science, mathematics, and engineering if we are to meet the challenges of today and tomorrow.

I commend *Science and Engineering Indicators—1993* to the attention of the Congress and those in the scientific and technological endeavor.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 9, 1994.*

INDEPENDENT COUNSEL REAUTHORIZATION ACT OF 1993

The SPEAKER pro tempore (Mr. LAROCCO). Pursuant to House Resolution 352 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 811.

□ 1507

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 811) to reauthorize the independent counsel law for an additional 5 years, and for other purposes, with Mr. TORRICELLI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I rise in support of H.R. 811, the Independent Counsel Reauthorization Act. I am pleased we are able to take up this important bill today.

Last Congress, the Independent Counsel Act died a less than honorable death—the result of bludgeoning and being held hostage by some Republicans who viewed a good government mechanism somehow as the enemy rather than as a trusted watchman. In the face of unrelenting hostility by the previous Republican administration—including the threat of a Senate filibuster—the law lapsed on December 15, 1992. Certainly, that was unfitting treatment for one of the few truly novel enhancements to our constitutional democracy in the 20th century. For some strange reason, the ardent opponents of the statute have now experienced a miraculous conversion—they walk; they see—in the past few months.

I am proud to say that there are those who have shown an abiding faith in the value of this law. Both President Bill Clinton and Attorney General Janet Reno, a former prosecutor herself, have consistently indicated their strong support for our efforts to revive it.

Under H.R. 811, the Independent Counsel Law is reauthorized for another 5 years, with new accountability and cost control safeguards based on recommendations from the General Accounting Office. These safeguards will apply to all existing independent counsels as well as any future ones, and they more than answer any lingering criticism about the operation of the act in the recent past.

In addition, the bill gives the Attorney General explicit authority to use the act in cases involving Members of Congress. Nonetheless—and, despite the fact that it is a red herring—some Republicans have made the so-called Member coverage issue the heart of their debate. The irony is that the act and H.R. 811 have provided for Member coverage since 1982, but that fact seems to be an overlooked detail to those making the noise and hoping to set off a panic vote. I think they will be surprised as they were in the other body when the same ploy failed.

Finally, the Republican substitute to H.R. 811 would gut, dismantle, and abridge every major procedural and

substantive provision of the Independent Counsel Act. In this sense, it is indeed a very thorough piece of work, but is the functional equivalent of gutting the statute, as was done by other means last Congress.

Let us support H.R. 811 and get on with the business of good government.

□ 1510

Mr. GEKAS. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from New York [Mr. FISH], the ranking member of the Committee on the Judiciary.

Mr. FISH. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the independent counsel statute is an important and necessary law. It should be reauthorized. However, several issues surfaced during the time the now-expired statute was in effect which made it clear that certain basic reforms in this law are needed.

Obviously, there are circumstances when a conflict of interest may exist, or at least when the appearance of a conflict may arise, and the Attorney General is placed in a difficult position to effectively investigate and prosecute another high-ranking Government official. The Watergate episode certainly highlighted the potential for such conflicts. The independent counsel law has proved a useful tool on some occasions to avoid such conflicts.

However, the expired law has not completely fulfilled its promise or purpose. All too often it has not restored the public's confidence in Government or our legal system. Since its enactment in 1978, this law has resulted in 14 separate investigations but there has only been one final conviction of a named subject. These court-appointed prosecutors, who are accountable to absolutely nobody, have spent more than $61 million. Unfortunately, all too often there is little to show for their costly efforts.

However, despite these obvious shortcomings, the majority has brought a bill (H.R. 811) to the floor today which would essentially reauthorize the same statute. At a time when the public is demanding Federal budget sanity and real congressional reform, they bring us a bill which essentially ignores our experience under this law—a bill which strives to maintain the status quo. H.R. 811 either completely avoids, or merely pays lip service to, such fundamental and serious issues as accountability, cost, the handling of classified information, the scope of prosecutorial jurisdiction, and consistency with Justice Department criminal enforcement policies.

H.R. 811, Mr. Chairman, is in need of substantial improvement. It needs to be improved in particular with regard to those provisions regarding the accountability and cost of independent counsel. Despite the use of misleading subtitles like "Added Cost Controls," H.R. 811 would actually allow independent counsel to continue enjoying virtually unlimited budgets. Although the bill includes vague requirements that the independent counsel conduct their activities with due regard for expenses and that he or she authorize only reasonable and lawful expenditures, those terms are left undefined in the bill.

Furthermore, under this bill, the independent counsel is provided with an enormous loophole through which it can choose to ignore the established expenditure policies of the Justice Department. The bill states the independent counsel need not comply with established departmental expenditure policies if they determine that such compliance is inconsistent with the purposes of the statute. They alone make that determination. It is not subject to judicial review. It is not subject to congressional oversight. I ask my colleagues, with this total lack of accountability, how can we realistically expect expenditures to be controlled?

Further, the expenses of all independent counsel would remain under a permanent, indefinite appropriation and thus totally outside the scrutiny of the annual congressional appropriations process. Independent Counsel Lawrence Walsh, who just concluded a 7-year investigation, has spent more than $39 million. The average cost for prosecutions per criminal defendant in a U.S. attorney's office in this country is approximately $10,000; Mr. Walsh averaged $2.5 million per defendant. Again, one of the most frequent and cogent criticisms of this law is that it is too expensive and there is no incentive to curb costs. Unfortunately, H.R. 811 does not effectively address these problems.

Also ignoring our experience under the prior law, H.R. 811 does nothing to safeguard the handling of national security information or classified documents. During the independent counsel's Iran-Contra investigation, numerous shortcomings in this area became evident. For example, CIA cables—with highly sensitive markings—were released as exhibits during trials; in a motion to quash a subpoena, a covert agent was identified by name, and highly sensitive classified documents were inexplicably lost at the Los Angeles International Airport. At a minimum, we should make it clear that an independent counsel must fully comply with Federal law and regulations regarding the handling and disclosure of classified information. Most importantly, if there is a failure to comply, then removal should occur. The problem with a Brooks amendment, which we will consider later today, is that it imposes no sanction if an independent counsel fails to follow the law or applicable regulations on handling national security documents. As a practical matter, we cannot realistically expect that a special prosecutor will be prosecuted for violating 18 U.S.C. 798. The only realistic sanction in these kinds of circumstances is to make the independent counsel subject to removal for good cause—just as my good friend from Illinois [Mr. HYDE] proposes.

Also troubling to me, Mr. Chairman, is the fact that independent counsel are allowed to ignore Justice Department policies regarding criminal prosecutions. While the bill includes language which appears to require compliance with Department policies regarding the enforcement of our criminal laws, it provides another loophole through which a counsel may choose to completely ignore such policies. The bill states that independent counsel shall comply with Justice Department policy regarding the enforcement of criminal law—"except to the extent that to do so would be inconsistent with the purposes of this chapter."

Mr. Chairman, there should be no exception for a Federal prosecutor with respect to Justice Department criminal enforcement policies. All Federal prosecutors—including every independent counsel—should abide by the same policies with regard to the enforcement of our criminal laws. An independent counsel, who stands in the shoes of Justice Department prosecutors, should not be the beneficiary of a lesser standard.

Mr. Chairman, later when amendments are considered, I have been authorized under the rule to offer two amendments, which I would like to discuss briefly.

Fish amendment No. 2 provides that the General Services Administration [GSA]—instead of the Administrative Office of the U.S. Courts—would be the Government agency responsible for the administrative support of independent counsel. Mr. Chairman, the Administrative Office is an arm of the judicial branch and is not the appropriate agency to provide operational support for an executive branch function, in this case prosecution. Further, and important, it is without legal authority to effectively oversee and control the expenditures of the various independent counsel. The General Services Administration already has the staff and expertise necessary to provide procurement and administrative support for all executive branch agencies. It simply is a waste of the taxpayers' money to duplicate this support function through a judicial branch agency, when it is already available through an executive branch agency.

Amendment designated "Fish No. 3" places limitations on the salary levels that the independent counsels can pay their assistants. My amendment would authorize each independent counsel to hire two assistants at Executive Level V, $108,200/year, and would cap other legal assistants at the maximum salary level of a Washington-based Assistant

U.S. Attorney, $90,252. This amendment is made necessary because of confusing language contained in H.R. 811 which appears to allow such assistants to be compensated up to the amount payable for level IV, $115,700, of the executive schedule. First of all, this is the same annual rate of pay set by law for the independent counsel himself or herself. Does it make any budgetary or policy sense to allow employees—that is, assistants—to potentially make the same salary as their boss? This is not a complicated amendment. It is about common sense and elementary cost controls.

Mr. Chairman, later we will consider the substitute offered by Congressman HYDE, known as the Independent Counsel Accountability and Reform Act. It is a comprehensive, common sense reform package that would address all of the serious shortcomings in this law which I have discussed. Only if the Hyde substitute is adopted, will the House ensure that independent counsel will be accountable in a policy sense and a due process sense. Furthermore, only if we adopt the Hyde substitute, will the American taxpayers be protected against unnecessary, wasteful spending. Finally, the Hyde substitute is the only sure way we can achieve genuine congressional reform as part of this process—mandatory congressional coverage under the independent counsel statute. I strongly urge my colleagues to carefully study this issue and vote accordingly. If we are serious about reforming our institutions of Government, then adoption of the Hyde substitute is the only real alternative.

The purpose of the independent counsel law was to restore public faith in our system of government and ensure a fair and impartial system of justice. If we forgo this opportunity to reform this law and instead allow it to remain vulnerable to the criticisms that it is arbitrary, too costly, and unfair, then the very purpose of this law will be undermined.

□ 1520

Mr. BROOKS. Mr. Chairman, I reserve the balance of my time.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members of the House, both the chairman of the committee and the ranking member have outlined the general purposes of bringing this matter to the floor. We should review real quickly how it happened that we are on the floor today at all. It is because the independent counsel statute faded out of existence, just died, and we the Congress allowed that to happen.

Now, if we brought in partisan politics as having partially or substantially been the cause of the demise of the act, it could be equally shared, I believe. I think the Democrats allowed it to fail. They have control of the House, and they could have, for a variety of reasons, revived or brought the reauthorization to the floor way before the expiration of the last term and before the expiration of the statute. And maybe the Republicans, who were sick and tired of the profligacy of Lawrence Walsh and other abuses that we have heard over the years about the office of independent counsel, were willing to see it die because of some abuses. $40 million were spent by Walsh in pursuit of ghosts, in many occasions, only to have a final report that regurgitated matters that everyone knew and had digested many years ago.

In any event, those were the arguments about independent counsel.

Now, when the movement began in this term to reinstate it, one of the reasons that it began to gain momentum, Mr. Chairman, was because there was a possibility of a Whitewatergate situation arising in Arkansas. Everyone knows by now the allegations that are swirling around the failed S&L in Arkansas, about the manipulations of takeovers and all the matters that would, in a proper circumstance, have cried out for an independent counsel right from the start.

Alas, we had none in front of us. It is only today that in late February of 1994 we are approaching the subject. But I venture to say that if Whitewatergate really had blossomed into some kind of cry for independent counsel, we would have authorized such an event and the Attorney General would have applied for the appointment of same.

Why am I confident of that? Because indeed, a special counsel was appointed by the Attorney General, albeit it was after some hedging on her part and some mixed signals that undoubtedly she was receiving from the White House.

So, in retrospect, we should have reauthorized the independent counsel statute for those purposes.

But I still would have had tremendous qualms about it. Why? Because, No. 1, the accountability, as has been referred to by the gentleman from New York. I am constrained to look favorably upon this independent counsel act only because of ego.

In subcommittee, as will be recalled, when our committee was considering this subject matter, I offered an amendment for a yearly reporting, a yearly accounting to the Congress of the progress of the independent counsel appointed by virtue of this statute. That was carried, and now the main bill, oddly and ironically, makes me coauthor of the language because my call for an annual audit or annual accounting is part of the bill.

But, in addition to that, I wanted to see a 2-year reauthorization of the independent counsel appear in the bill as well. Mr. Chairman, I would have liked to have seen every independent counsel work for 2 solid years and then, if necessary to justify further time and expenditure for the subject matter at hand in the office of independent counsel, to go before the very court that appointed him and allow evidence to be demonstrated as to why he should continue that investigation. And this would have applied in Whitewatergate if we had independent counsel on board if the statute had been in effect.

It would have meant that a majority of the minority on the Judiciary or any member of the Judiciary, or other ways in which allegations would have reached the Attorney General, would have convinced the Attorney General to conduct a preliminary investigation and then, pursuant to the statute, to do those things that would lead to requesting a court for the appointment of independent counsel. We do not have that, we did not have that.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

In the gentleman's opinion, then in the matter of Whitewatergate, this would have brought almost an automatic appointment of an independent counsel?

Mr. GEKAS. Yes. That is borne out by this fact, I say to the gentleman from Pennsylvania, that indeed even though the Attorney General, the current incumbent, in effect was hedging as to whether or not to appoint a special counsel and was receiving undoubtedly signals from the White House as to what to do or not to do, finally, after denying the need for it, acceded to a special counsel. There would have been no need for that. The hue and cry would have been so overwhelming if a good independent counsel statute had been in effect, that that would have automatically occurred, the Attorney General would have done a preliminary investigation and the court would have appointed him.

Mr. WALKER. If the gentleman would yield further, under the provisions here if, for example, the independent counsel became aware, as we saw in this morning's paper, that a law firm might be shredding documents related to a Whitewatergate, would the independent counsel at that point under the provisions of this law have the ability to step in and investigate under that kind of a matter?

Mr. GEKAS. In my judgment, undoubtedly, yes, could have done so.

Mr. WALKER. I thank the gentleman. That does help clarify it.

Mr. GEKAS. I thank the gentleman for the question.

So, now the only thing that remains because I am leaning hard toward wanting to accept the bill, the general purpose of the bill, only because I wrote part of it in calling for the annual accounting to the Congress, I

think that as an important step, I still feel bruised that my 2-year sunset provision was not permitted by the Committee on Rules, and another salutary feature that I had provided, but you have more of me now than you ever had before because you agreed to the language I proposed on accounting.

But if the Gekas amendment fails later, then I will have to revisit my compatibility with some of the language of the bill as it now stands.

□ 1530

Mr. Chairman, I reserve the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Chairman, I appreciate the distinguished chairman of the Committee on the Judiciary for granting me a brief moment of time, and as he is well aware of an unfortunate occurrence in our history, I bring with me to the Congress, having worked on what was known as the Senate Watergate committee, and at the same time that that congressional investigation was going on there was an independent counsel invited, as well, or appointed, as well, and the reason was because there were allegations of Federal criminal activity, and I think it is ironic that those on the Republican side of the aisle who, for years, opposed the concept of the independent counsel, in fact allowed the laws under the independent counsel to expire this past December because of opposition from the then-Bush White House, are now saying how much we have got to have this law. Consistently the Democrats have said that we need an opportunity in the statute to ensure that the appearances of investigation of Federal criminal activity by high ranking Government officials is in appearance being conducted without bias, without political pressures, and that is why we have this concept of an independent counsel. It is important for the credibility of Government, it is important for the credibility of the accused, and I believe we fashioned a fair bill.

Here, as we learn from the experiences of previous and the most recent independent counsel, there are no real checks and balances on their budget, and we face a budget deficit, and what we built into this, into this version of the bill, is cost controls, budgeting procedures, so that there is accountability on how much money they are spending in these appropriate Federal criminal investigations.

Mr. Chairman, I thank the gentleman from Texas [Mr. BROOKS] for having yielded this time to me.

Mr. GEKAS. Mr. Chairman, may I inquire as to the remaining respective times?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GEKAS] has 13 minutes remaining, and the gentleman from Texas [Mr. BROOKS] has 24 minutes remaining.

Mr. BROOKS. Mr. Chairman, I yield 4 minutes to the gentleman from Kansas [Mr. GLICKMAN], a distinguished member of the Committee on the Judiciary.

Mr. GLICKMAN. Mr. Chairman, I rise in support of this bill.

Mr. Chairman, my constituents often tell me that they think it is important for Congress and the Government in general to improve its image, to look like we are acting like the rest of the people, to not live by a different set of standards and to subject ourselves to all of the powers of the law enforcement process in the event that one of us, or somebody as a member of the executive branch, gets into trouble, and that is the purpose of this bill. It is an example of very good government.

Mr. Chairman, what we are saying is, "When you have high level officials that get themselves into some degree of trouble, there is a procedure to make sure that they are investigated and, if necessary, prosecuted," and I would point out that this law, which expired last year, has always had the support of many of us in Congress, many of us on our side of the aisle for sure, and is an example of particularly good government.

Here we have an administration pushing for the passage of this bill and, as opposed to the previous administration which discouraged, in fact worked against the passage of this bill, we now have an administration who wants to see this independent counsel law passed, and we have a Congress which is moving ahead in that regard, and I think that this will be passed and signed into law soon, and it was one item, maybe not the most significant item in the history of the world, but it is one item that will provide an example that this Congress and this Government is listening to the people in terms of the whole situation involving ethics in government and good government generally.

I might also add, Mr. Chairman, there is some controversy as to the issue of coverage of Members of Congress under the independent counsel law, and I will point out that under this statute Members of Congress are covered under this law. The Attorney General has the authority to seek the appointment of an independent counsel.

Am I correct?

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Texas.

Mr. BROOKS. I ask the gentleman, "When you were chairman of the subcommittee that passed this bill some years ago in one of the renewals, did it not include Members of Congress then?"

Mr. GLICKMAN. Yes, it did absolutely.

Mr. BROOKS. It has and it does?

Mr. GLICKMAN. That is correct.

Mr. BROOKS. It is the option of the Attorney General?

Mr. GLICKMAN. That is correct.

Mr. BROOKS. None of them that agreed to that, Republican or Democrat, have felt that it needed to be done?

Mr. GLICKMAN. And in fact virtually every Attorney General, Republican and Democrat, are very opposed to the provisions of the amendment that the gentleman from Pennsylvania [Mr. GEKAS] is seeking which mandates that an independent counsel be appointed.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. Let me finish my point.

It mandates that an independent counsel be appointed under circumstances where misconduct is alleged, takes away the power of the Justice Department and the criminal justice process to use other means like, for example, a grand jury, separate grand jury, separate prosecutorial discretion, on behalf of the U.S. attorney, and in addition, probably, will cause a manyfold increase in the cost of the operation of Government by mandating that every Member of Congress absolutely be covered by a statute which squeezes out other important ways to indict and convict Members of Congress; namely, the grand jury and the process involving U.S. attorneys.

Mr. BROOKS. Mr. Chairman, if the gentleman would continue to yield, is it not true that there was some feeling that, if they had made Members of Congress automatically included in that, it would have led to possible mischief on the part of either Democrats or even possibly, not likely, but possibly even Republicans by having half of the members of that party in the Committee on the Judiciary plus one make a recommendation on October 10 that they investigate the gentleman from Georgia [Mr. GINGRICH], or the gentleman from Washington [Mr. FOLEY] or whoever?

Mr. GLICKMAN. The independence of the Committee on the Judiciary in my judgment would be threatened by a mandatory independent counsel law, and I think it should be pointed out that the Justice Department has had no trouble investigating and indicting Members of Congress, when necessary, under existing law. There may be some circumstances where an independent counsel is needed. There may be times when they have a relationship, that Member of Congress does, with an executive branch official. Then it is appropriate——

Mr. BROOKS. In that case could they not get one?

Mr. GLICKMAN. The gentleman is correct. In that case they have all the legal authority in the world to get one.

Mr. GEKAS. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank my colleague, the gentleman from Pennsylvania [Mr. GEKAS], for yielding this time to me, and I would like to say that I congratulate the chairman and the ranking Republican for bringing this bill to the floor. However, Mr. Chairman, I find it very strange that they are bringing it at this time.

We had an investigation going on involving the Secretary of Commerce, Mr. Ron Brown, who allegedly took $700,000 in bribes to help lead the fight to normalize relations with Vietnam, and he was cleared by a grand jury in Miami just last week, and yet we tried time, and time, and time again to get a special prosecutor, or a special independent counsel, to look into the charges, and we could not get anybody to help us. We were stonewalled by the White House. We were stonewalled by the Department of Commerce. We were stonewalled by Justice. They said they could not pick anybody to do this because they would be accused of showing favoritism because they were part of the administration.

And yet now President Clinton and Janet Reno say they are in favor of this special counsel law.

Now, when Janet Reno got involved in the Ron Brown affair, Mr. Chairman, she sent one of her top aides down to Miami to conduct a grand jury investigation, and everybody knows that a prosecuting attorney has great control over whether or not to get an indictment, and, since she sent one of her top aides down, it was no surprise to me that Mr. Brown was exonerated. But the fact of the matter is the man who accused Mr. Brown, Mr. Binh Ly, passed a 6-hour FBI lie detector test. In addition to that, it was alleged that a large sum of money was going to be transferred to Bank Indo Suez in Singapore, and the FBI said that a large sum of money was wire transferred to a bank in Vietnam to a bank in Singapore. In addition to that, Mr. Chairman, Mr. Brown testified before a committee in Congress that he had no involvement with any of his staff regarding this, and yet the lead agency at a National Security Council meeting last July pushing for normalization with Vietnam was Mr. Brown's agency, the Department of Commerce.

As my colleagues know, there are just so many problems with this that it just boggled the mind, and yet Mr. Brown has been exonerated, and we cannot get a special counsel or special prosecutor, and yet 1 week later the special counsel law comes to the floor after all this has been taken care of. I think that is very, very interesting, very interesting.

I would just like to say to my colleagues that I hope that we do not sweep anything else under the rug. I think this Ron Brown affair has been swept under the rug. I think it is a terrible tragedy.

□ 1540

Mr. Chairman, I think the American people are upset about it. I know I am because we have gone into this a great deal to try to get to the bottom of it, and now, after everything is done and the ink is dry on the paper, we bring this special counsel law to the floor of the House. I think it is really a tragic state of affairs.

Mr. BRYANT. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to my colleague.

Mr. BRYANT. Mr. Speaker, I think it is interesting that the gentleman comes to the floor today and raises questions about why the independent counsel law was allowed to lapse, which I will elaborate on later. But in 1987, I say to the gentleman and to the Members that he voted against passage of the independent counsel law. How does the gentleman square that with his comments of today?

Mr. BURTON of Indiana. Well, the independent counsel law was abused by Mr. Walsh. He spent millions and millions and millions of dollars and did not get one conviction.

Mr. BRYANT. Yes; but that had not happened in 1987, had it?

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

Mr. GEKAS. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. GEKAS] for this time.

I say to my colleagues that I have always supported an independent counsel bill, and I was one who supported it back in 1978 when it first passed, but it seems to me we should learn something from experience. A mere reauthorization of the law as it has presently stood until it lapsed last December just will not cut it. It indicates that we are impervious to the lessons of experience.

For example, there is the matter of treatment of classified information. We have heard stories about the independent counsel that investigated the Iran-Contra controversy taking a suitcase full of classified material that was used in a deposition out on the west coast of former President Reagan and tossing it to a red cap at the curb of the Los Angeles Airport, and it has never been seen again. And it was not reported for many, many weeks.

That cannot happen. That should not happen. There should be some accountability.

The chairman of our committee, the gentleman from Texas [Mr. BROOKS], has thoughtfully prepared an amendment that says the independent counsel shall follow the laws and the regulations pertaining to classified material. That is well and good, but where is the sanction? There is no sanction.

In my substitute which the Members will get a chance to vote for, it provides that if indeed the independent counsel or any of his staff do not follow the rules or regulations concerning the proper treatment of classified material, they are removed. We have a sanction. I suggest with all deference to my chairman that his provision is toothless. It has no bite. We should provide a sanction.

Effective cost controls: One of the things we ought to have learned was the profligacy with which Mr. Walsh operated his office. I must say that Midas never in his wildest days had the resources available to him, even after everything he touched, turned to gold. There was absolutely no accountability, no oversight as to the millions that were spent by Judge Walsh over a period of 7 years.

What we want in the substitute—and that is the only place where we find this reform—is that the annual appropriations process obtains after the first 2 years. The independent counsel has 2 years to do whatever he or she will, but after that we ask them to "Please submit yourself to an appropriations process." We are dealing with taxpayers' money.

The jurisdiction of an independent counsel: The bill that we are asked to vote for, the bill that the chairman of the committee has brought to us, has nothing to say about narrowing the focus or jurisdiction of the independent counsel. He does not have a license to go hunting in the forest and shoot every critter that moves. It should be specific. It should be targeted. It should be directed, it should be focused so that there is not this grandiose, lavish, expensive, and reputation-ruining hunting expedition.

Jurisdiction defined: What is the basis for a preliminary investigation? Right now you can trigger the Attorney General's action under the independent counsel statute, the one that just lapsed and the one we are asked to reauthorize, by information that there may have been a violation of Federal law. Instead, it ought to be specific information from a credible source. That is fine-tuning and tightening up the trigger mechanism for this whole elaborate process of an independent counsel. I am going to have an opportunity to offer that as a freestanding amendment, and I hope that it will be supported because it makes this a more lawyerlike and a more professional and workable piece of legislation.

Duration of an investigation: Does it go on and on from generation to generation to generation? Judge Walsh served longer, I think, than any Attorney General in history except maybe

one or two, I am told—7 years. Somewhere along the line there should be some accountability. So my substitute says that the court that appointed the independent counsel can terminate the independent counsel whenever the court decides that the job is done or it is in the public interest that enough is enough. It would seem to me that that is a very useful amendment.

It also provides that if the job is not done after 2 years, the independent counsel must apply for reappointment. There is nothing wrong with that. It just simply requires a review of the tenure, the unlimited tenure that is inherent in the existing bill.

What about attorneys' fees? If you are a target and you went to trial and you were acquitted or your conviction is reversed on appeal, that is a pyrrhic victory if you are bankrupt, if you have been economically devastated by the money you have had to raise to defend yourself. My substitute requires payment of those attorney fees.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. SYNAR], a distinguished Member of the Judiciary Committee.

Mr. SYNAR. Mr. Chairman, I thank the chairman of the committee for yielding me this time, and I want to take this opportunity, first of all, to thank the gentleman from Texas [Mr. BROOKS] and the gentleman from Texas [Mr. BRYANT] for the job they have done today, and also for the demeanor in which they have approached this debate.

I rise with great disappointment because I think this is an issue that for a long time in our Nation's history has been one that we have been very proud of because it has been bipartisan. Regrettably, today we now see, because of very shabby political tricks, that we can no longer work on something that is in the best interest of our country.

I think it is important to review the history of the independent counsel, and so we go back to 1978, when Jimmy Carter first passed this legislation.

It was then twice during the Reagan administration that this Congress overwhelmingly, along with the President, twice renewed the independent counsel. It is imperative to remember that on all these occasions it was done in a bipartisan fashion. It was only during that last session of Congress that we really began to see the falling apart of this cooperation, when Bill Barr, not once but twice, refused the use of an independent counsel, one for the Inslaw investigation, and second, for Iraqgate. It was because of the fear of that administration of the place of the special prosecutor that they allowed that law to expire on December 15, which brings us here today.

Anyone who has followed the debate over the last couple of hours realizes that what this debate has come down to is whether or not we as Members of Congress should be explicitly covered in this legislation. I think it is important to remember that since 1982 we have been covered by this administration, and the gentleman from Texas [Mr. BRYANT] has gone one step further than that because, with his alternative, Members of Congress will be explicitly covered by the independent counsel for the first time. As the Members know, the Bryant amendment, which we will have an opportunity to address later, authorizes the Attorney General to invoke the independent counsel procedures to investigate and prosecute Members of Congress whenever he or she determines that it is in the public interest. This is nearly identical language that we find in the U.S. Senate in their bipartisan majority support of this legislation.

□ 1550

Now, I must say, it is regrettable that we have this debate today and we have lost that bipartisanship that has served this institution and this country well. But this has not been lost on two groups that I think command a lot of respect, that the American public would pay some attention to.

For example, we have the American Bar Association, which has written every Member of Congress with these words:

> We strongly support this legislation, and we oppose any effort to amend the statute to make it applicable on a mandatory basis to allegations involving Members of Congress.

Mr. Chairman, the American Bar Association is not a liberal bastion institution, and I think that clearly shows. They have reviewed what we are trying to do today and support the Bryant approach.

Second, probably the largest public interest group in this country, one who has in many ways been the watchdog of Congress, as well as Government, Common Cause, has written every Member of Congress, and they suggest:

> We strongly urge you to support the Bryant substitute as a critical Government accountability measure.

Mr. Chairman, I think it is very clear that as we come to the end of this general debate, that we remember that we can do this in a bipartisan fashion, as the other body has, and let us keep the focus on the fact that we will have the kind of investigations that people want.

The CHAIRMAN. The Chair would advise that the gentleman from Texas [Mr. BROOKS] has 17 minutes remaining, and the gentleman from Pennsylvania [Mr. GEKAS] has 5 minutes remaining.

Mr. BROOKS. Mr. Chairman, I would inform my dear friend from Pennsylvania that I have one more speaker, and I will reserve the balance of my time until the gentleman from Pennsylvania concludes.

Mr. GEKAS. Mr. Chairman, on the basis of the assertion made to me by the chairman, I yield myself such time as I may consume.

Mr. Chairman, as a note, I wanted the gentleman from Oklahoma [Mr. SYNAR] to know that the American Bar Association, to which the gentleman referred as a supporter of the independent counsel statute, also supported several of the measures that we transformed into amendments for the bill, and they have been roundly rejected. So it is not as if the American Bar Association's total set of recommendations was adopted.

Mr. BRYANT. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Texas.

Mr. BRYANT. Mr. Chairman, I would ask the gentleman, did they support mandatory Member coverage?

Mr. GEKAS. Mr. Chairman, I do not recall.

Mr. BRYANT. Mr. Chairman, they did not. They most affirmatively did not support that.

Mr. GEKAS. Mr. Chairman, reclaiming my time, they did not approve of the salary of Walsh, and they do not approve of the number of staff, and they do not say one word or another about various facets of administration. But I am saying to the gentleman that as to the coverage of the accounting to be made to the public, they had certain recommendations, as to the accounting procedures, to make things public. Not as to coverage or to other matters which the gentleman so cleverly refers to.

Mr. Chairman, in any event, there is another element of this debate that has to be repeated, and constantly repeated. The American people know to the fullest extent possible that the Congress exempts itself, excuses itself, recuses itself, from 1001 mandates that they impose upon the American people or on other members of the Government of the United States. We do it in OSHA rules and all kinds of employment practices and things that we would not even think about as affecting adversely the rights of our fellow American citizens. Yet we continue to do that. Here is an example that we are trying to correct.

Mr. Chairman, the bill as presented exempts the Members of Congress from the mandated coverage of possible targets of independent counsel. Now, if that is not selective favoritisms, I do not know what it is.

Mr. Chairman, the offerers of the bill acknowledge that Members of Congress can be in a position of conflict of interest. Otherwise, they would not allow the Attorney General in her discretion to bring an action or to bring independent counsel to visit against a Member of Congress. So conflict of interest is acknowledged as a possibility between a Member of Congress and the Attorney General and/or the White House. So why not make it equal to those tar-

gets of the independent counsel that the independent counsel law was drafted to pursue.

Mr. HYDE. If the gentleman will yield, on this question of congressional coverage, first of all, we are not talking about 535 Members of Congress. Only in the most generic sense. We are talking about those few about whom specific information of a violation of Federal law from a credible source has been developed. I hope that is not more than a handful, or less than that. I hope it is nobody.

But it is not 535 and all this overwhelming bookkeeping. We are talking about the very few about whom specific information of the violation of a Federal law by a credible source is obtained, if, if, I say, my amendment is adopted and that becomes the threshold, which it ought to be.

But we have also said that the Bryant amendment weakens existing law, and it does. Because the Bryant amendment, making congressional coverage optional, which it already is under the old bill, but just a few words are changed, a cosmetic difference, but the standard now is that the Attorney General can invoke congressional coverage and seek the appointment of an independent counsel if she finds it is in the public interest. That is the new standard that Mr. BRYANT will seek to impose on us, in the public interest, optional with the Attorney General.

But the old law, and the law he is changing by his amendment, if the old law were to be reenacted, provides that she can ask for an independent counsel if she finds herself in a personal, political, or financial conflict of interest.

So we will have the interesting spectacle of the Attorney General perhaps finding herself in a personal, a political, or a financial conflict of interest, but it is not in the public interest.

So it seems to me we ought to have all of those standards, or no standard. We ought to have Congressmen covered like any other Member of the executive branch, if specific information from a credible source of violating a Federal statute is provided.

We cannot operate immune, sacrosanct, from the very standards we seek to impose on the executive department.

I do not know if the American bar likes that, but I will tell you the American people like it.

Mr. BROOKS. Mr. Chairman, I yield 4 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER], a distinguished member of the Committee on the Judiciary and other committees.

Mrs. SCHROEDER. I couldn't wait to get over here, Mr. Chairman, because, first of all, it is interesting to see how many people on the other side got religion over the holidays and are suddenly for this bill. With all this gray hair, I remember back even when we had this bill up before, this was not a good idea. So that is the first part.

But now I walk in on this debate where they are attacking the other gentleman from Texas [Mr. BRYANT], as being soft on Congress. The gentleman from Texas is the one who in both cloakrooms usually 24 hours on day everybody is beating up on, because I know JOHNNY BRYANT. If there is one thing he is not, it is soft on Congress. This is the man who has been leading all sorts of reforms out there that Members love to hate sometimes. But to accuse him of being soft on Congress in this bill, it is really hard to keep from giggling as I hear it. It doesn't pass the giggle test, I guess is what I am trying to say.

Now, let us talk about some of these things. Yes, indeed, the Bryant amendment puts Members of Congress explicitly under the independent counsel law.

□ 1600

It does that. Unfortunately, there is no truth in political debate. We have got the truth in advertising so one can say things about toothpaste and they better be true or one can sue. But on political debate, one can say anything about a bill, and it does not have to be true.

But let me say, the Bryant amendment—and anybody who knows his background knows that this would not be an oversight—he allows the Attorney General to invoke the independent counsel law. This is appropriate discretion.

There are U.S. attorneys all over America that can move out and go after Members of Congress in a vigorous way and have done so. If there have been U.S. attorneys that have been shy in doing this, I want to know who they are. I cannot think of any that have been intimidated by this, nor can I think of any Attorney Generals that have been intimidated by this. I really see this as kind of a delaying tactic.

There are different rules sometimes for Congress. Unfortunately, that came out of the Constitution. There are many of us trying to change that. Separate branches of Government are not allowed to police the other branch. We cannot go over to the Court across the street and start telling them how to run their personnel system, and they are not supposed to come over here. And we are not supposed to go to the executive branch, and they are not supposed to come over there. So we have to set up our own policing systems, and we have been trying to do that. And we have got to put more and more teeth in it, believe me. Their is no one around here that wants more teeth in these things than I do.

Ex-Congresswoman Lynn Martin and I used to run around with a bill here all the time trying to get Members on it, trying to get them moving on House fair employment practices and other such things. Members would always run for the door, a lot of the Members who give speeches.

I must say, as I have been listening to this debate, I have found it a little humorous. I think the real trick is to look at the bill and why it is needed. I salute the gentleman from Texas [Mr. BRYANT] and how hard he has worked on this.

If Members look at Watergate, and I am old enough and have been around here long enough to remember Watergate, this got started because Archibald Cox got interfered with. He had all of that turbulence, all of that commotion.

I am pleased the other side now agrees that we need this, even though we let it run out because we could not get the votes in the last House session. Oh, goodness, it looks like we are going to get the votes now.

But let us move on, and let us get this going. Let us get this independent counsel out there so that there can be these investigations.

Members are covered. Yes, we can also be covered by the U.S. attorneys. Yes, we are covered by the U.S. House Committee on Standards of Official Conduct, which has not been shy either, and the House Committee on Standards of Official Conduct cannot try the Supreme Court. And it cannot try Members of the executive. And they have their ethics, and they do not try us. That is why there are different things.

Now I know we are not under OSHA. We are bringing in every dead cat we can think of. We are not under OSHA. We are not under this. We are not under that. Well, we should be. I agree we should be. But that is not the issue here.

The issue here is how does the independent counsel bill work vis-a-vis Members of Congress. It gives many, many bites out of the apple.

I think it says that Members of Congress are going to be as vigorously pursued as anybody else and probably much more so. And believe me, if somebody had some real concrete ideas to be even more so, I am sure the gentleman from Texas [Mr. BRYANT] would take them. Because the one thing he has been in the forefront of is trying to make this place absolutely squeeky clean and to rebuild this institution and to rebuild the trust and dignity that he thinks Members should give it. And I do, too. I thank him.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. GEKAS] has expired.

Mr. BROOKS. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Mr. Chairman, we have before us today a historic statute, a unique statute in our jurisprudence that grew out of a unique event in American history. That is the Watergate event of some 20 years ago.

It resulted in the passage, in 1978, of a special provision that recognized the

great difficulty that an Attorney General can have in objectively investigating and prosecuting another member of the President's Cabinet, a colleague with whom they work and with whom they are often close friends. And so a law was written with regard to about 60 very high officials in the executive branch.

If there is a specific allegation from a credible source, it triggers a mechanism which can result in the appointment, by a court, of an independent counsel so that those cases may be investigated an prosecuted objectively and fairly. And there have been 13 instances like that. Half of them have resulted in no prosecution; the other half have resulted in very high profile investigations and prosecutions of which all of us are aware.

This law has worked well for 15 years. Because it is novel and because it is unique, each time it is passed it has had attached to it a provision which provided that the law would expire at the end of 5 years, so it has been necessary twice to reinstate the law, to pass it once again. And it fell to us again, in 1992, to reinstate that law, 5 years having elapsed since it was last passed.

We could not do it, though, because President Bush promised that if we did it he would veto it. Part of the reason we could not do it in 1992 is because 25 Republican Senators signed a letter to the leadership of the Senate saying that if this bill was brought up, they would filibuster it and kill it. And so the Congress did not reinstate the law and it was allowed to lapse.

In 1993, with a new President, we have begun this process once again, and the Committee on the Judiciary and my subcommittee took up this bill.

We had hearings. We had witnesses. We had expert witnesses from places within our Government and with academia that could give us the best analysis of how the law had worked.

We had communication from the American Bar Association, from Common Cause, from the U.S. Attorney General's office, all of whom said we ought to pass the bill again.

Now Republicans read in the newspaper that there are those making some allegations about President Clinton, and all of a sudden they are hot to trot for an independent counsel law. We hear fulminations here about the fact that it has not been passed and that it has been allowed to lapse. It is quite incredible. Some of the most prominent advocates of the Republican position are now blaming the Democrats for having allowed this law to lapse.

I know that Members are all very concerned about the length and the expense of the investigation of Oliver North et al. by Lawrence Walsh. There is no need to debate that. We acknowledge that there were some areas with regard to expenses that, in my view, were not handled prudently. I believe, however, the investigation was in all respects well-motivated and carried out in a fine fashion and that Mr. Walsh, by the way a Republican, did a fine job. That is my view.

The fact of the matter is we now have an opportunity today, regardless of all the partisan winds that may blow back and forth, to reenact the statute. It makes common sense. It has served the public well, and we ought to do so.

The statute that we bring forward contains some provisions to address the possibility that independent counsel might spend a little bit too much, and we have some restraints on that. We also have a specific provision in the bill which in effect continues a part of the statute that has been in place since 1982. That provision makes it clear—with specific reference to Members of Congress—that if the Attorney General wants to go beyond the 60 for whom this law was originally written and, in her discretion, to decide that it would be in the public interest to seek the appointment of an independent counsel to pursue a case against a Member of Congress, she may do so. But she is not obligated to so. We think that is prudent.

I would point out to the Members one other thing as well. I wish very much that the American people could see on a daily basis what goes on here so that they could better see the posturing that I think is taking place on the other side. We heard a number of Members come up here and fulminate about the fact that this law is not strong enough, that it ought to be stronger, it ought to have other provisions in it; how much of a shame it is that somehow the Democrats prevented the law from being reinstated, which, as I said a moment ago, is patently false.

□ 1610

Who were those Members? The gentleman from Georgia [Mr. GINGRICH], the Republican leader-elect, came in and said those things. The gentleman from Indiana [Mr. BURTON] came and said those things. The gentleman from Pennsylvania [Mr. WALKER], the de facto floor leader for the Republican Party, came and said those things.

Do the Members know what the gentleman from Georgia [Mr. GINGRICH] and the gentleman from Indiana [Mr. BURTON] and the gentleman from Pennsylvania [Mr. WALKER] have in common? In 1987, all three of them voted against the independent counsel statute, so how are we to take anything they say today with credibility when they come forward and say that the bill is not good enough, when they did not want the bill in the first place?

We have an opportunity here today to pass for the fourth time a historic statute that has served the country well. I will elaborate on details when we get into the amendments later on, but I urge the Members to set aside all of their partisan posturing. I urge the public to see this bill for what it is. It has been a good provision in the past. Let us reauthorize it one more time, give it 5 more years to run, and serve the American people, give them the opportunity to know that with regard to the 60 highest officials in the executive branch, if there are allegations against them, an independent counsel can be entrusted to deal with them.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BRYANT. I yield to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I thank my friend for yielding to me.

Mr. Chairman, I just want to say that I hope the gentleman knows that we, in the Committee on the Judiciary on the Republican side, who voted against the bill were protesting the fact that every single one of our amendments was defeated on a party-line vote. It was not that we are against the concept. I voted for this in 1978.

I might add, the distinguished chairman voted "no" in 1978. I might add that the gentleman from Michigan [Mr. DINGELL], the gentleman from Illinois [Mr. ROSTENKOWSKI], and many others voted "no." That is all right. That is all right. He has been on the road to Damascus and he has seen the light. I understand that.

However, we are for this bill. It is just that we would like to have a couple of amendments to improve it.

Mr. BRYANT. Mr. Chairman, reclaiming my time, I believe the gentleman is for it, because unlike the gentleman from Georgia [Mr. GINGRICH] and the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from Indiana [Mr. BURTON], in 1987 the gentleman from Illinois [Mr. HYDE] voted for the bill and for the conference report.

Mr. HYDE. And in 1978.

Mr. BRYANT. He has earned the right to come forward with amendments, and the Committee on Rules has given the gentleman the opportunity to offer these amendments today.

However, the gentlemen who got up here and made the hot speeches, the red hots of the Republican side today, voted against this bill in 1987. What they say in the rest of this debate ought to be judged in light of that.

Mr. Chairman, I yield back the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 811

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Counsel Reauthorization Act of 1993".

SEC. 2. FIVE-YEAR REAUTHORIZATION.

Section 599 of title 28, United States Code, is amended by striking "1987" and inserting "1993".

SEC. 3. ADDED CONTROLS.

(a) COST CONTROLS AND ADMINISTRATIVE SUPPORT.—Section 594 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(l) COST CONTROLS AND ADMINISTRATIVE SUPPORT.—

"(1) COST CONTROLS.—

"(A) IN GENERAL.—An independent counsel shall—

"(i) conduct all activities with due regard for expense;

"(ii) authorize only reasonable and lawful expenditures; and

"(iii) promptly, upon taking office, assign to a specific employee the duty of certifying that expenditures of the independent counsel are reasonable and made in accordance with law.

"(B) DEPARTMENT OF JUSTICE POLICIES.—An independent counsel shall comply with the established policies of the Department of Justice respecting expenditures of funds, except to the extent that compliance would be inconsistent with the purposes of this chapter.

"(2) ADMINISTRATIVE SUPPORT.—The Director of the Administrative Office of the United States Courts shall provide administrative support and guidance to each independent counsel. No officer or employee of the Administrative Office of the United States Courts shall disclose information related to an independent counsel's expenditures, personnel, or administrative acts or arrangements without the authorization of the independent counsel.

"(3) OFFICE SPACE.—The Administrator of General Services, in consultation with the Director of the Administrative Office of the United States Courts, shall promptly provide appropriate office space for each independent counsel. Such office space shall be within a Federal building unless the Administrator of General Services determines that other arrangements would cost less.".

(b) INDEPENDENT COUNSEL PER DIEM EXPENSES.—Section 594(b) of title 28, United States Code, is amended—

(1) by striking "An independent counsel" and inserting

"(1) IN GENERAL.—An independent counsel"; and

(2) by adding at the end the following new paragraphs:

"(2) TRAVEL EXPENSES.—Except as provided in paragraph (3), an independent counsel and persons appointed under subsection (c) shall be entitled to the payment of travel expenses as provided by subchapter 1 of chapter 57 of title 5, including travel or transportation expenses in accordance with section 5703 of title 5.

"(3) TRAVEL TO PRIMARY OFFICE.—An independent counsel and any person appointed under subsection (c) shall not be entitled to the payment of travel and subsistence expenses under subchapter 1 of chapter 57 of title 5 with respect to duties performed in the city in which the primary office of that independent counsel or person is located after 1 year of service by that independent counsel or person (as the case may be) under this chapter unless the employee assigned duties under subsection (l)(1)(A)(iii) certifies that the payment is in the public interest to carry out the purposes of this chapter. Any such certification shall be effective for 6 months, but may be renewed for additional periods of 6-months each if, for each such renewal, the employee assigned duties under subsection (l)(1)(A)(iii) makes a recertification with respect to the public interest described in the proceeding sentence. In making any certification or recertification under this paragraph with respect to travel and subsistence expenses of an independent counsel or person appointed under subsection (c), such employee shall consider, among other relevant factors—

"(A) the cost of the Government of reimbursing such travel and subsistence expenses;

"(B) the period of time for which the independent counsel anticipates that the activities of the independent counsel or person, as the case may be, will continue;

"(C) the personal and financial burdens on the independent counsel or person, as the case may be, of relocating so that such travel and subsistence expenses would not be incurred; and

"(D) the burdens associated with appointing a new independent counsel, or appointing another person under subsection (c), to replace the individual involved who is unable or unwilling to so relocate.

An employee making a certification of recertification under this paragraph shall be liable for an invalid certification or recertification to the same extent as a certifying official certifying a voucher is liable under section 3528 of title 31.".

(c) INDEPENDENT COUNSEL EMPLOYEE PAY COMPARABILITY.—Section 594(c) of title 28, United States Code, is amended by striking the last sentence and inserting the following: "Such employees shall be compensated at levels not to exceed those payable for comparable positions in the Office of United States Attorney for the District of Columbia under sections 548 and 550, but in no event shall any such employee be compensated at a rate greater than the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5.".

(d) ETHICS ENFORCEMENT.—Section 594(j) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(5) ENFORCEMENT.—The Attorney General and the Director of the Office of Government Ethics have authority to enforce compliance with this subsection.".

(e) COMPLIANCE WITH POLICIES OF THE DEPARTMENT OF JUSTICE.—Section 594(f) of title 28, United States Code, is amended by striking "shall, except where not possible, comply" and inserting "shall, except to the extent that to do so would be inconsistent with the purposes of this chapter, comply".

(f) PUBLICATION OF REPORTS.—Section 594(h) of title 28, United States Code, is amended—

(1) by adding at the end the following new paragraph:

"(3) PUBLICATION OF REPORTS.—At the request of an independent counsel, the Public Printer shall cause to be printed any report previously released to the public under paragraph (2). The independent counsel shall certify the number of copies necessary for the public, and the Public Printer shall place the cost of the required number to the debit of such independent counsel. Additional copies shall be made available to the public through the Superintendent of Documents sales program under section 1702 of title 44 and the depository library program under section 1903 of such title,"; and

(2) in the first sentence of paragraph (2), by striking "appropriate" the second place it appears and inserting "in the public interest, consistent with maximizing public disclosure, ensuring a full explanation of independent counsel activities and decisionmaking, and facilitating the release of information and materials which the independent counsel has determined should be disclosed".

(g) ANNUAL REPORTS TO CONGRESS.—Section 595(a)(2) of title 28, United States Code, is amended by striking "such statements" and all that follows through "appropriate" and inserting "annually a report on the activities of the independent counsel, including a description of the progress of any investigation or prosecution conducted by the independent counsel. Such report may omit any matter that in the judgment of the independent counsel should be kept confidential, but shall provide information adequate to justify the expenditures that the office of the independent counsel has made."

(h) PERIODIC REAPPOINTMENT OF INDEPENDENT COUNSEL.—Section 596(b)(2) of title 28, United States Code, is amended by adding at the end the following new sentence: "If the Attorney General has not made a request under this paragraph, the division of the court shall determine on its own motion whether termination is appropriate under this paragraph not later than 3 years after the appointment of an independent counsel and at the end of each succeeding 3-year period.".

(i) AUDITS BY THE COMPTROLLER GENERAL.—Section 596(c) of title 28, United States Code, is amended to read as follows:

"(c) AUDITS.—By December 31 of each year, an independent counsel shall prepare a statement of expenditures for the fiscal year that ended on the immediately preceding September 30. An independent counsel whose office is terminated prior to the end of the fiscal year shall prepare a statement of expenditures by the date that is 90 days after the date on which the office is terminated. The Comptroller General shall audit each such statement and shall, not later than March 31 of the year following the submission of any such statement, report the results of each audit to the Committee on the Judiciary and the Committee on Government Operations of the House of Representatives and to the Committee on Governmental Affairs and the Committee on the Judiciary of the Senate.".

SEC. 4. MEMBERS OF CONGRESS.

Section 591(c) of title 28, United States Code, is amended—

(1) by indenting paragraphs (1) and (2) two ems to the right and by redesignating such paragraphs as subparagraphs (A) and (B), respectively;

(2) by striking "The Attorney" and all that follows through "if—" and inserting the following:

"(1) IN GENERAL.—The Attorney General may conduct a preliminary investigation in accordance with section 592 if—"; and

(3) by adding at the end the following new paragraph:

"(2) MEMBERS OF CONGRESS.—When the Attorney General determines that it would be in the public interest, the Attorney General may conduct a preliminary investigation in accordance with section 592 if the Attorney General receives information sufficient to constitute grounds to investigate whether a

Member of Congress may have violated any Federal criminal law other than a violation classified as a Class B or C misdemeanor or an infraction.".

SEC. 5. GROUNDS FOR REMOVAL.

Section 596(a)(1) of title 28, United States Code, is amended by striking "physical disability, mental incapacity" and inserting "physical or mental disability (consistent with prohibitions on discrimination otherwise imposed by law)".

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall become effective on the date of the enactment of this Act.

The CHAIRMAN. No amendment to the substitute is in order except the amendments printed in House Report 103-419. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered as read, is not subject to amendment, except as specified in the report, and is not subject to a demand for a division of the question.

Debate time on each amendment will be equally divided and controlled by the proponent and an opponent of the amendment.

AMENDMENT OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROOKS: Change any reference in the bill to the "Independent Counsel Reauthorization Act of 1993" to the "Independent Counsel Reauthorization Act of 1994".

Page 2, line 5, insert before "Section" the following:

(a) REAUTHORIZATION.—

Page 2, insert the following after line 6:

(b) EFFECTIVENESS OF STATUTE.—Chapter 40 of title 28, United States Code, shall be effective, on and after the date of the enactment of this Act, as if the authority for such chapter had not expired before such date.

Page 10, redesignate section 6 as section 7 and insert the following after line 20:

SEC. 6. NATIONAL SECURITY.

Section 597 of title 28, United States Code, is amended by adding at the end the following:

"(c) NATIONAL SECURITY.—An independent counsel shall comply with guidelines and procedures used by the Department in the handling and use of classified materials.".

The CHAIRMAN. The gentleman from Texas [Mr. BROOKS] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer an amendment which I believe is without controversy. The first part merely updates the short title of the bill from 1993 to 1994.

The second part simply removes any possible question that the underlying independent counsel statute is being revived to prevent any possible litigation over the effect of the lapse of the statute on December 15, 1992.

Finally, the third part of the amendment makes clear that each independent counsel must follow the Department of Justice guidelines and procedures with regard to the handling of classified materials.

There is absolutely no disagreement between the Republican and Democratic sides that the independent counsel should be so bound.

Independent counsel, of course, are already bound by the operation of the Classified Information Procedures Act, 18 United States Code Appendix 4(e)1, under which the Attorney General has the sole and final authority regarding use or release of classified information in all cases.

They are also bound by extensive regulations that implement Executive Order 12356, National Security Information, which governs the handling of classified information.

To make all of this crystal clear, my amendment explicitly, rather than implicitly, requires compliance with the procedures under the independent counsel statute, and I would hope that my amendment will be acceptable to the other side, and that we could move on to the amendment of the gentleman from New York [Mr. FISH].

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is the gentleman from New York [Mr. FISH] opposed to the amendment?

Mr. FISH. Mr. Chairman, I am in opposition to the amendment.

The CHAIRMAN. The gentleman from New York [Mr. FISH] is recognized for 5 minutes.

Mr. FISH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to make clear that the three amendments are offered en bloc, and I have no objection whatsoever to the changing of the date of the reauthorization, nor do I have any objection to clarification of the independent counsel statute as being revived.

I do, however, wish to speak on the third part which the chairman offers, which requires each independent counsel to follow Department of Justice guidelines procedures with regard to the handling of classified materials. This is certainly an improvement, but it is far from what it might be.

The problem with this amendment is that there is absolutely no sanction imposed if the independent counsel fails to follow the law or applicable regulations on the handling of national security documents.

The chairman mentioned 18 U.S.C. 798 as the statute, but Mr. Chairman, this is absolutely unrealistic, as a practical matter, to expect that a special prosecutor will in turn be prosecuted under this statute. The only realistic sanction in this type of circumstance is to make the independent counsel subject to removal for good cause, and this is, of course, embodied in the amendment in the nature of a substitute that will be before the House later on by the gentleman from Illinois [Mr. HYDE].

H.R. 811, the amendment before us, ignores the experience in the prior law, does nothing to safeguard the handling of national security information or classified documents. We learned this before in the Iran Contra investigation, about the shortcomings in this area. The example was cited by me and other gentlemen of the Los Angeles International Airport, of highly sensitive documents. I mentioned earlier the fact that the CIA cables with highly sensitive markings were released as exhibits during trials, and so forth, so this matter has been before us before.

This is not addressed appropriately because of the lack of any sanction.

Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, the problem with the amendment by the gentleman from Texas [Mr. BROOKS] is that it is a good amendment as far as it goes. It just does not go far enough. There is no sanction for violating the rules and regulations concerning the handling of classified information.

Do the Members know that during the Walsh independent counsel adventure, CIA cables with highly sensitive markings were released as exhibits during the trial? During a motion to quash a subpoena, a covert agent was identified by name. Classified information was not redacted from pleadings. Classified material was included in official correspondence, which later had to be retrieved and redacted. Then it had to be classified. Highly sensitive documents were delivered to defense counsel's office in an unsecured manner.

The worst of all was the suitcase full of classified material that was given away at the curb at LAX Airport and never seen again.

It does not do to simply say, "Follow the law." There has to be a sanction. Mr. Chairman, I am asking my friends if they want to make this meaningful, why not provide for removal of the independent counsel if he or she is found to have violated the law concerning the treatment of classified information.

□ 1620

What is the objection? May I ask my friend from Texas [Mr. BRYANT] and I yield to him, what is the objection to having a sanction?

Mr. BRYANT. Mr. Chairman, that is a fair question and there is a good answer for it.

First of all, every American, no matter whether they are an independent

counsel or not, is subject to title 18, United States Code, section 798, which provides criminal penalties for disclosure of classified information.

In addition to that, Government employees, which independent counsel are, can also be punished for improper communication of classified information pursuant to title 50, United States Code, section 783.

Independent counsel are also subject to 47 pages of regulations regarding handling of classified materials, and they can be fired for a serious breach of these rules. That is to say, they can be fired for cause and violation of any of these statutes would probably satisfy that standard.

Mr. HYDE. If I can say to my friend I agree. But nothing happened, and these egregious breaches occurred, and the gentleman was not prosecuted. I cannot see the Government, the Justice Department prosecuting an independent counsel. I can see a motion to remove him as effective. I just do not think these others are effective.

Mr. BRYANT. But if the gentleman will continue to yield, your complaint goes to whether or not you think the Attorney General in that particular period acted appropriately.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BRYANT] to continue his dialog.

Mr. BRYANT. Mr. Chairman, I just want to continue saying I think that the objection of the gentleman from Illinois [Mr. HYDE] goes to his view that the Attorney General did not act appropriately at that time. But that is a fact question. The fact of the matter is the law clearly gives the Attorney General the power to do that, and the Brooks amendment makes explicit that these independent counsel are so covered. That is the point of it.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BRYANT. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I am just trying to make it mean something, and I just do not think anything other than removal means a great deal. But I accede to the gentleman's argument.

Mr. BRYANT. Again, I would emphasize removal is possible for an independent counsel for cause, and a serious violation of any of these standards would satisfy that requirement.

Mr. HYDE. I thank the gentleman.

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. BROOKS].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 103–419.

AMENDMENT OFFERED BY MR. FISH

Mr. FISH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FISH:

Page 2, line 9, insert "(1)" before "Section".

Page 3, strike lines 5 through 13 and redesignate the succeeding paragraph accordingly.

Page 3, insert the following after line 21:

(3) Section 594(d)(1) of title 28, United States Code, is amended by adding at the end the following: "The General Services Administration shall provide administrative support to each independent counsel.".

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. FISH] will be recognized for 5 minutes, and a Member opposed, the gentleman from Texas [Mr. BROOKS] will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 811 would specifically require that the Administrative Office of the U.S. Courts provide administrative support and guidance to each independent counsel. This is not a good policy choice because the Administrative Office is an arm of the judicial branch. In other words, we have a separation of powers issue here. It is not the appropriate agency to provide operational support for an executive-branch function, that is prosecution. Further, it is without legal authority to effectively oversee and control the expenditures of these offices, as a GAO audit will explain in a minute.

The Director of the Administrative Office of the U.S. Courts made it clear in testimony before the Administrative Law Subcommittee that considered this legislation that they do not want this responsibility, that they are ill equipped to handle this responsibility, and, again, are without authority to properly oversee such expenditures by the independent counsel. This point is underscored in a GAO financial audit to the Congress dated October 9, 1992.

I quote from page 1.

Five of the nine independent counsels did not provide some of the reports of their expenditures required by law. We found that expenditures were often incorrectly recorded due to serious internal control weaknesses at offices of independent counsel and the Administrative Office of the U.S. Courts (AOUSC), which through agreement with Justice, performs the disbursing and accounting functions for independent counsels.

In addition, we found that some expenditures were inconsistent with laws and regulations. Some of the instances we identified may be attributable to an oversight or ambiguities in the independent counsel law and a lack of comprehensive guidance to help independent counsels understand and follow operational and administrative legal requirements. Other instances were caused by the independent counsels relying on erroneous advice from AOUSC.

My amendment would transfer the administrative support function to the General Services Administration [GSA], the appropriate executive branch agency to perform this function for an executive branch function.

The GSA already has the staff and expertise necessary to provide procurement and administrative support for every executive branch agency and office. We are talking here additionally about a waste of taxpayers' money to duplicate services in our judicial branch.

Placing the administrative aspects of independent counsel investigations in the GSA would not diminish the prosecutorial independence of the independent counsel which the statute strives to achieve.

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment.

Since the very first independent counsel was appointed, the Administrative Office of the U.S. Courts—not an executive branch agency—has provided the administrative support for independent counsel and helped to ensure the independence of independent counsel from the executive branch. With the adjustments now made by H.R. 811, the Administrative Office informs us that they will be happy to continue to provide this assistance, building on their 15 years of experience and expertise in doing so.

During the committee markup of H.R. 811, the distinguished gentleman from New York [Mr. FISH] offered an amendment to put the Department of Justice in charge of providing such administrative support. I and others believed that went against the whole purpose of the act—of avoiding the possible conflict of interest of the executive branch investigating itself.

Now, the gentleman's amendment would put up another executive branch agency—the General Services Administration—to do the job. That takes us back to the same place and the same problem.

As a well-known supporter of the General Services Administration, I have to draw the line here and say that it is totally inappropriate for that agency to be involved in these duties. Moreover, it has no experience in handling such things as expenditures and payrolls for independent counsel.

The provisions of H.R. 811 already have it right, and I urge the rejection of this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. FISH. Mr. Chairman, I yield myself such time as I have remaining.

Mr. Chairman, the chairman of the committee just talked about the Administrative Office of the United States Courts having 15 years' experience and expertise in this matter. I would like to quote from the testimony of L. Ralph Mecham, Director of the Administrative Office of the U.S.

Courts before the Subcommittee on Administrative Law and Governmental Relations of March 3, 1993:

Our sole interest and concern with the legislation is limited to section 3(a) (2) and (3) of the bill. . . In essence, this bill would task an entity within the Judicial Branch of government to support an entity—the Independent Counsel—that has a prosecutorial function. The Judicial Conference has concluded, and I concur, that this is an inappropriate function for the Administrative Office to perform, and we respectfully request that you delete us from the bill.

Continuing the testimony:

As I am sure the Committee is aware, the Administrative Office, on a voluntary basis, has provided administrative support to Independent Counsels for several years. This was carried out under an agreement between subordinates of my predecessor and the Justice Department. I am sure this agreement was entered into in an effort to accommodate the Justice Department and provide a temporary service.

The Administrative Office is caught in a "Catch 22" position.

□ 1630

We have no authority whatsoever to enforce compliance with Federal laws and executive branch regulations as they apply to independent counsels on such matters as payment for hotel accommodations, per diem, first-class travel, contract laws, personnel regulations, accounting procedures and an array of other regulatory requirements. Yet, the General Accounting Office recently issued a report on the independent-counsel program which criticized the administrative office for not enforcing the laws and regulations, even though we have no lawful power to enforce them. We have taken a series of steps to correct the administrative deficiencies cited in the GAO report, but the fundamental problem is that the independent counsels are not answerable to the administrative office and cannot be compelled to follow any guidance we might give them. Yet, we are expected to issue checks and to keep the balances and the independent counsels are completely free to ignore any questions that we might raise.

Mr. Chairman and my colleagues, I submit the Administrative Office of the U.S. Court is not the appropriate body to lend their support and guidance to the independent counsel, and my amendment should be adopted.

Mr. BRYANT. Mr. Chairman, will the gentleman yield?

Mr. FISH. I am happy to yield to the gentleman from Texas.

Mr. BRYANT. Mr. Chairman, I just wondered if the gentleman is aware, or I would like to make him aware, that subsequent to the events regarding the Administrative Office of the U.S. Courts referred to by the gentleman, that office has since come in and indicated their readiness and willingness to continue to assume these duties.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New York [Mr. FISH].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 103–419.

AMENDMENT OFFERED BY MR. FISH

Mr. FISH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FISH: Page 6, line 11, strike "Such" and all that follows through line 17 and insert the following: "Not more than 2 such employees may be compensated at a rate not to exceed the rate of basic pay payable for level V of the Executive schedule under section 5316 of title 5, and all other such employees shall be compensated at rates not to exceed the maximum rate of basic pay payable for GS–15 of the General Schedule under section 5332 of title 5.".

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. FISH] will be recognized for 5 minutes, and a Member opposed to the amendment will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the former law provided that the independent counsel receive a salary equivalent to level IV of the executive schedule. That is currently an annual salary of $115,700. H.R. 811 contains confusing language that appears to allow employees of the independent counsel to be paid up to the same level.

My amendment would provide that the independent counsel remain at the executive level IV salary, but gives him authority to hire two assistants at executive level V, a salary of $108,200 per year. At the same time, my amendment caps other assistants' salaries at that of a GS–15, step 10 of the Federal pay scale, or a $90,252 per year figure. That is the level at which other Justice Department line prosecutors are paid.

Independent counsels and each of their employees, unlike all other U.S. attorneys or assistant U.S. attorneys, are, pursuant to this statute, exempted from sections 202–209 of title 18 of the U.S. Code. Among other things, that means that they are allowed to have collateral income over and above, the salary they are being paid by the U.S. Government.

An independent counsel investigation and prosecution is fundamentally about one case—sometimes involving the prosecution of more than one individual—but it involves essentially one criminal case.

Assistant U.S. attorneys, on the other hand, on average handle approximately one hundred criminal prosecutions per year.

The maximum salary for all other Washington-based Justice Department assistant U.S. attorneys is GS–15, step 10, that is currently a salary of $90,252 per year.

Assistant U.S. Attorney are covered by section 209 of title 18 which provides for a $5,000 fine and imprisonment for 1 year for accepting a salary or for supplementing a salary from any source other than the U.S. Government.

With the cost of independent counsel investigations going through the roof, and Mr. Walsh's investigation rounding out at $40 million; and with the large numbers of employees hired by Walsh, which, according to testimony before our Administrative Law Subcommittee, included 70 lawyers and 50 FBI and IRS agents during its 7 year reign, certainly the salary levels of such assistants has become a substantial cost factor.

Mr. Chairman, I reserve the balance of my time.

Mr. BROOKS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Texas [Mr. BROOKS] is recognized for 5 minutes.

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

I want to commend my distinguished friend, the gentleman from New York, and I will say that I am opposed to the amendment, but I have been persuaded, I have seen the light, I believe that my friend from New York has a wonderful amendment, and I have no objections to it.

I would suggest that we pass it by a voice vote at this point.

Mr. Chairman, I yield back the balance of my time.

Mr. KYL. Mr. Speaker, last year, Congress failed to reauthorize the independent counsel law primarily, I believe, because several obvious but controversial changes were needed. For example, almost everyone recognizes that the expenses of the independent counsel need to be better controlled. The Walsh investigation which cost the taxpayers $40 million, illustrated that problem and others with the previous independent counsel law.

The Hyde substitute would restore the integrity of the independent counsel's office and achieve necessary reforms—attacking excessive cost, lack of accountability, and failure to cover Congress. Specifically, the Hyde amendment would: Require independent counsels to reapply for appointment every 2 years; place cost controls on independent counsels by making them subject to the annual appropriations process after 2 years; require that each independent counsel comply with all the laws and regulations governing classified information; and, mandate that all Members of Congress are covered by the independent counsel law.

Congressional coverage would no longer be a discretionary, case-by-case choice of the Attorney General. Unlike H.R. 811, the Hyde substitute would provide the first real vote on congressional reform.

Representative HYDE's proposal will bring about genuine broad-based reform of the Independent Counsel Act. If Representative HYDE's substitute fails, the House should reject H.R. 811 so that we can start over and properly deal with the bill.

If H.R. 811 passes, every effort should be made to include the provisions of the Hyde amendment in the final conference report.

It is very easy for an independent counsel to abuse his office. That is why some controls, such as those embodied in the Hyde amendment, should be adopted.

Mr. FISH. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FISH].

The amendment was agreed to.

Mr. BROOKS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. BARCA of Wisconsin] having assumed the chair, Mr. TORRICELLI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 811) to reauthorize the independent counsel for an additional 5 years, and for other purposes, had come to no resolution thereon.

MAKING IN ORDER CONSIDERATION OF HOUSE RESOLUTION 343 ON THURSDAY, FEBRUARY 10, 1994

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that it be in order on Thursday, February 10, 1994, to consider House Resolution 343 in the House, and that the previous question be considered as ordered on the resolution to its adoption without intervening motion or demand for division of the question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:00 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SSI NEEDS REFORM

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KLECZKA. Mr. Speaker, the Supplemental Security Income Program, known as SSI, is riddled with abuse.

This program began extending benefits to low-income disabled, blind, and aged individuals in January 1974. The intent of SSI is noble: To provide assistance to these individuals to help improve the quality of their lives. However, on the 20th anniversary of SSI benefits, it is clear that there are serious flaws in this program which allow for abuse.

Mr. Speaker, I hold in my hand a Washington Post cover story on child SSI recipients. I encourage my colleagues to read this investigative report by Bob Woodward and Benjamin Weiser, which highlights some of the problems in the child SSI program. I am inserting that stops at this point in the RECORD.

[From the Washington Post, Feb. 4, 1994]

COSTS SOAR FOR CHILDREN'S DISABILITY PROGRAM—HOW 26 WORDS COST THE TAXPAYERS BILLIONS IN NEW ENTITLEMENT PAYMENTS

(By Bob Woodward and Benjamin Weiser)

SOARING COSTS—GROWTH OF THE CHILDREN'S DISABILITY PROGRAM

The children's disability program was enacted in 1972 as part of the Supplemental Security Income program. Payments began in 1976.

Recipients must have limited income to be eligible. Two examples:

A single working parent with one disabled child receives the full SSI payment of $446 a month as long as the parent's earned income is less than $1,107 a month ($13,284 a year). As income increases, the SSI payment decreases correspondingly; if income exceeds $1,907 in any month, the family become ineligible.

A two-parent family with two children, one of whom is disabled, receives the full benefit if its earned income is less than $1,685 a month ($20,220 a year). Partial payments are available as long as the family's income level is below $2,576 a month. Above that level, the family becomes ineligible.

Nora Cooke Porter, a pediatrician and lawyer, works on the front lines of the nation's entitlement system. She can barely contain her frustration as she flips through some of the thousands of applications for a federal aid program for disabled poor children that have passed through her Harrisburg, Pa., office over the last two year.

The files show, she says, that children who curse teachers, fight with classmates, perform poorly in school or display characteristics of routine rebellion are often diagnosed with behavioral disorders and therefore qualify for the program's cash benefits, which average $400 a month. Under a broad new federal standard prompted by a 1990 Supreme Court ruling, behavior that isn't "age appropriate" is considered a disability.

Porter feels her hands are tied by the new rules. She has tried to block benefits to children who, in her medical opinion, are not suffering from any disability. Her superiors have overruled her, and she has written detailed rebuttals. Last month, she was suspended without pay for her repeated protests, and she believes her job as a disability-review physician is in jeopardy.

Months before her suspension, she agreed to be interviewed because she believes that the children's disability program is an example of an entitlement system gone haywire. She hopes that her decision to speak out will draw attention from congressional or federal investigators.

The age-appropriate standard is only the most recent flaw in the program, according to Porter and others. They trace the program's problems to its origin: a vague, little-debated 26-word clause that was hastily inserted in a mammoth welfare bill passed in 1972.

Porter's criticisms are echoed by many others who work in the program. They say they sympathize with the children, many of whom are living in desperate poverty. But, they argue, the program does little to help them with their real troubles. especially since the majority of children who now qualify have mental disorders rather than physical ones.

How to provide for the country's neediest—the old, the young, the poor, the sick, the disabled, the disadvantaged—without bankrupting the Treasury has become one of the central governing questions of our time.

Earlier this week, The Washington Post published a series of articles on the rising cost of Medicaid, the health insurance program that is the government's largest entitlement for the poor. This article examines the little-known children's disability program, another entitlement for the poor, which is experiencing the same skyrocketing costs as Medicaid.

Last year, the children's disability program cost $3.6 billion. It was serving 770,000 at the end of December, a number that none of its sponsors imagined possible when it was enacted 20 years ago, they say. Because disability recipients automatically qualify for Medicaid, the program's rapid expansion also has led to hundreds of millions of dollars in additional costs for that entitlement program.

Children's disability is a component of a larger entitlement program called Supplemental Security Income, or SSI, which provides benefits to poor people who are elderly, disabled or blind. By law, entitlement programs guarantee government benefits to anyone who meets the qualifications set out in legislation or in regulations. Federal spending levels are mandatory, meaning they cannot be altered unless the law is changed.

WHAT CAN HAPPEN

The history of the children's disability program illustrates what can happen when a law is enacted without much debate or study and then becomes subject to interpretation by regulators, advocates and the Supreme Court.

The new age-appropriate standard that Porter criticizes was written by federal regulators after the Supreme Court ruled that the law required the government to use a broader definition of disability in determining eligibility.

Since the court ruling, the number of children receiving benefits has more than doubled. The decision also led to lump-sum back payments for some 150,000 children who had been denied benefits under the old rules. These back payments—which averaged $15,000, with some as high as $75,000—have cost the government $2 billion since 1991, plus at least $287 million more in administration.

In a survey of state disability determination directors conducted last summer, more than half cited "inappropriate use of SSI funding" as the most common concern in their states. Parents or guardians are not required to use the money for therapeutic or medical aid. They can spend the cash payment as they please, as long as it benefits the child in some way. That rule has been interpreted to allow the purchase of a television set, a video game or a car.

"I really have to grapple with the idea that I'm allowing that parent to use the money any way they want to, fairly certain, given the history, that the child is not going to benefit," said a psychologist in the Washington disability determination office. "And that happens to us . . . eight times a day."

The lump-sum payments revealed what both supporters and critics of the program see as the absurdity of federal spending rules. Families receiving the back payments

were required to spend the money within six months so that their sudden wealth would not make them ineligible for the income-based program.

Last summer, a group of disability experts and officials met in Washington to discuss the mission of the children's disability program. According to a confidential memo about the July 19 meeting, a congressional staff director "questioned exactly what we were trying to accomplish by giving disabled children benefits."

The response: "From a social policy perspective," the memo said, "it was interesting that no one really had a good answer"—not the policy experts, nor the people who run the program, nor even the people who oversee the legislation.

A CONSOLATION PRIZE

The children's disability program began in 1972 as a kind of consolation prize.

The Senate had just killed the Nixon administration's proposal for a guaranteed minimum income for poor Americans. As a compromise, Congress established SSI to provide aid for the "deserving poor": the elderly, blind and disabled. Initially, no money was set aside for children.

Thomas C. Joe, a senior federal welfare official, inserted the 26-word clause that expanded SSI to cover children. It appeared in parentheses, as follows: "(or, in the case of a child under the age of 18, if he suffers from any medically determinable physical or mental impairment of comparable severity)."

Joe, 58, now head of a Washington social policy think tank, said that expanding the program to cover disabled children was part of his "incremental strategy" to assist as many poor people as possible. It was a welfare program disguised as disability assistance.

There was no consideration of the financial or policy consequences or of other ways to aid disabled children, according to participants in drafting the original legislation. Nor was there any public hearing that even mentioned Joe's 26-word clause.

Joe acknowledged with some humor that he tucked the provision into the 697-page bill in order to sneak it through. "I was afraid that too many people were going to discover this and it would be a big controversy," he said. "This is a good example of democracy not at work," he added.

The Senate Finance Committee chairman at the time, Russell B. Long (D–La.), made a run at killing the provision. "Disabled children's needs for food, clothing and shelter are usually no greater than the needs of non-disabled children," his staff wrote in a Sept. 26, 1972, committee report. It said disabled children needed health care and rehabilitative services, not money, and noted that Medicaid already covered poor children's health costs in 48 states.

During the closed-door, marathon weekend House-Senate conference in October 1972 to reconcile different versions of the bill, hundreds of other welfare, Medicaid and Medicare issues were being resolved, and SSI received little attention.

"It wasn't thought of as a big deal," said Frank Crowley, a now-retired senior staffer who worked on the bill. "It was one of these annoying little details."

The 67-page report from the conference made no mention of how the issue was settled. J. William Kelley, a House Ways and Means Committee staffer at the time, has a copy of the only existing conference paper about Senate amendment No. 564, which called for dropping Joe's provision. The single sheet reads: "CONFIDENTIAL. Summary: The House bill authorizes payments to children under age 18. The Senate bill does not." The line under "Cost" was left blank.

When the conference report was presented to the House on Oct. 17, 1972, Rep. Phillip Burton (D-Calif.) rose to praise the new program. "Thanks to Tom Joe, this is now a reality," he said.

WHAT IS DISABILITY?

Joe's amendment became law without anyone addressing the obvious question: How do you define disability for a child?

Previously, disability assistance had been premised on the disabled person's inability to work. The purpose was to make up for lost income. The bill creating SSI defined a disabled adult as someone "unable to engage in any substantial gainful activity."

But children don't work, at least until they become teenagers. "It is ludicrous on its face to apply the same standard to children," said Joseph Humphreys, a former congressional staffer who worked on the 1972 bill. Humphreys called the 26 words "a punt by Congress" that left regulators to decide what to do.

The meaning of Joe's 26 words—especially the phrase "comparable severity"—has been controversial ever since. Even today, Joe said, he doesn't know exactly what the phrase was supposed to mean.

In writing regulations, the Social Security Administration, which runs SSI, said an adult was eligible if his or her disability appeared on a predetermined list of physical and mental impairments. If it didn't, the adult could still qualify by having a personal evaluation that determined that he or she was unable to work.

The regulations treated children differently. They had to manifest one of the listed impairments, such as acute leukemia, chronic epilepsy or serious mental retardation. Because children generally don't hold jobs, individual evaluations were not considered necessary.

In the early 1980s, the Reagan administration moved to slash the number of people on federal assistance programs, including SSI. One of the thousands of people affected was Brian Zebley, a 5-year-old retarded boy. His family filed a lawsuit, charging that the government was illegally denying benefits to Brian and other children.

As the case wound its way through the federal courts, it attracted a vigorous and passionate advocate—Jonathan Stein, a legal services lawyer in Philadelphia. The legal counterpart to Joe. Stein saw the courts as a way to extend benefits to the poor. He and a colleague, Richard Weishaupt, took Zebley's case all the way to the Supreme Court.

Stein spotted the logical flaw in the administration's way of determining eligibility: The "comparable severity" test could not be applied to children unless the methods of assessing disability in adults and children were themselves comparable. Children deserved the same kind of individual assessments that adults were receiving, Stein argued.

A Supreme Court case often carries the expectation that large constitutional, moral or social issues will be addressed. The Zebley case, however, was framed narrowly: Had the government properly interpreted the law? In 1990, in Sullivan v. Zebley, the Supreme Court ruled 7–2 in Zebley's favor and ordered the Social Security Administration to give children the same individual analysis as adults.

To implement the high court's ruling, the agency asked a panel of experts to settle the question: What is the work of a child?

The panel's answer, in the form of new regulations, is the primary cause of Nora Porter's complaints. The new rules defined a child as disabled if his impairments "substantially reduce" his ability to "grow, develop or mature physically, mentally or emotionally and thus to engage in age-appropriate activities of daily living." These activities ranged from learning, communicating and performing in school to interacting appropriately with peers and family members.

Social Security officials said the panel was seeking a common-sense way of comparing children and adults. In Porter's view, they failed. "Age appropriate is a fictitious standard," she said. "It applies to the perfect child, and any deviation from that allows someone to apply for and likely be declared disabled."

James Perrin, a Harvard Medical School pediatrician who helped develop the regulations, said Porter's criticism was unrealistic and out of touch. He said physicians need some standard to assess a child's behavior. "None of us can think about children without raising the question of age-appropriate behavior," he said. "There's no way of approaching children and adolescents without thinking about that."

VICTORY PROVIDES LEVERAGE

Stein's legal victory gave him enormous leverage over the children's disability program. According to federal and state officials, he became the program's de facto supervisor.

Stein regularly threatened to seek contempt-of-court citations when he felt the Social Security Administration wasn't implementing the rules fast enough. He also provided the news media with information on how the agency's foot-dragging was costing hundreds of thousands of disabled children money that the Supreme Court said they deserved.

One of Stein's most significant accomplishments was getting Social Security to review roughly 450,000 cases, dating to 1980, in which children had been denied benefits. This led to the 150,000 lump-sum back payments.

But not even Stein could do anything about the government's requirement that the recipients spend the money within six months to remain eligible for the program. Stein unsuccessfully tried to create an exception for back payment recipients, calling the rule "Kafkaesque."

The rules legitimized and even encouraged shopping sprees. In a case that both federal officials and program advocates said was fairly typical, Beverly Smith of Greenville, Ky., received a back payment in 1992 of $13,000 for her 11-year-old son, who is hyperactive and was deemed disabled under the new rules. Smith, who earns about $8,000 a year sweeping up in a local bank, said she was shocked to receive so much money at once.

She used the money to buy a car, a washer and dryer, a refrigerator, a stove, a television, a $2,500 computer and three jogging suits for her son, she said in a recent interview. She also repaired her bathroom, leaky roof and collapsed hallway floor.

The computer, she said, has helped her son to sit still for long periods of time for the first time in his life. The stove had to be fitted with protective glass doors because her son once started a fire in the kitchen.

Smith now receives a regular monthly SSI check from the government for $446, in addition to Medicaid benefits.

In other cases disability money—both the back payments and the monthly checks—has

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been spent on everything from medical expenses not covered by Medicaid to family vacations. In some cases, families have tried to avoid the spending sprees by establishing trust funds for the children, but such arrangements are legally complex and prohibitively expensive.

The Social Security Administration does require an accounting from the person who is entrusted with the child's check. But the agency does not have the resources to scrutinize spending on a large scale. A guardian is suspended only if an egregious misuse of the money is called to the agency's attention.

"When you get into programs like this," said Louis D. Enoff, a 30-year veteran of the Social Security Administration and its acting director until July 1993, "if you write something that's very, very tight, then you have great difficulty. . . . You're going to have to follow up with a tremendous administrative detail to follow it through. What are we going to do? Follow every penny and ask for check stubs? And go see the evidence?"

Enoff said he wasn't sure a purchase such as a car should be allowed. "Yeah, they may buy a new car, but it's not a Mercedes or something," he said. "That's probably benefiting the kid as much as anything, because he needs treatment and he gets better treatment. . . . If the child has to go to the hospital once a week, they're taking a cab now. So you pay for the car pretty quickly." He added, "I mean, I would not buy a car, maybe, if it was me."

Social Security officials said the evidence of abuse is small. "I believe that most people are honest people . . . who really care about their kids," said Barry Eigen, a senior Social Security official. "They're not trying to beat somebody out of something. They need this."

FRACTURED ADMINISTRATION

Administration of the child disability program is divided among state and federal offices in a vast, fractured system where hardly anyone is responsible for seeing the big picture.

First, applicants visit federal Social Security offices, where financial eligibility for the program is determined. Then, the applications are sent to separate state offices, such as the one where Porter works in Harrisburg. The state offices determine medical eligibility. Finally, the cases return to the Social Security offices, which make the monthly payments and oversee the spending of the money.

Doctors and examiners in the state offices make their judgments on the basis of applications and medical assessments. They almost never meet the children they are evaluating or the parents who are spending the money. "Our work begins in the mailroom when we receive a file and ends in the mailroom when we send it back with an allowance or disallowance," said Myrtie Adkins, the Maryland office director.

Meanwhile, the Social Security officials who see the applicants have no input on the disability determination. "We don't question the decision," said Ruby Burrell, head of the Camp Springs, Md., Social Security office. "We don't even question if they are really disabled. It would be improper to do that. . . . You meet the criteria, you get the benefits."

Many recipients come from troubled families, where parents or guardians may have their own addictions or pathologies.

Karen Bolewicki, a senior examiner in Maryland for eight years, said "at least one-third" of her cases involve families in which a parent is a drug or alcohol abuser. And Maryanne Bongiovani, a psychologist in Maryland for five years with a PhD, said a quarter of the 4,000 children's cases she has reviewed involve sexual abuse by a family member.

Kenneth R. Carroll, a psychologist with a PhD and a former colleague of Porter's in Pennsylvania, said these troubled family situations made him uncomfortable approving certain applications. "Many of the problems these children manifest are largely traceable to parental neglect or abuse," said Carroll. "Behavioral and emotional problems or conduct disorders that are directly attributable to inadequate parenting are being called disabilities, and the parents are receiving a cash award for having achieved the problem."

But Leslie Ellwood, a pediatrician with Virginia's office of disability determination, said just because a disability stems from poor parenting doesn't mean the children do not deserve assistance. "You don't want to visit the sins of the parents on the child," Ellwood said.

To address all these complicated questions, the government has now written some 40,000 words to interpret Tom Joe's original 26-word phrase. "We're doing a lot here based on one little statement," said Louis Enoff. "And is this really what was meant?"

My Wisconsin colleague, Senator KOHL, and I are attempting to draft corrective legislation which would reform the SSI program for children, and for drug addicts and alcoholics. I encourage my colleagues to come forward with their ideas for change so we together can fix the problems.

We can and must rid the SSI program of abuse, while helping the program better meet the needs of the truly needy. My colleagues, the taxpayers expect and deserve better.

□ 1650

HEALTH CARE QUESTIONS AND ANSWERS

The SPEAKER pro tempore (Mr. BARCA of Wisconsin). Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

Mr. BONIOR. Mr. Speaker, there's a story my grandfather used to love to tell about the time he immigrated from Ukraine to Hamtramck, MI.

The town was filled with Polish and Ukranian immigrants. And one time, a Polish immigrant robbed a bank. He was caught right away, but he didn't have the money on him. And he didn't speak a word of English.

The police chief got an interpreter, sat them both down in the jail, and told the interpreter, "Ask this man where the money is."

The interpreter asked, but got no answer.

The chief took out his gun, placed it on the table, and said: "You tell this guy he better answer or he's in big trouble."

The interpreter asked again, but again, he got no answer.

Finally, the chief picked up the gun, pointed it at the bank robber's forehead and said, "You tell this guy he better talk or he'll be sorry."

The interpreter delivered the message, and this time the robber said: "I confess. I stole $100,000 and dropped the money in a dry well behind the bank. The money's there."

The interpreter turned to the chief and said: "The robber says he's not afraid to die."

Mr. Speaker, I've been thinking about this story a lot lately as I've watched the health care debate unfold.

Ever since the President presented his plan to provide guaranteed private health insurance for all Americans that can never be taken away, we've heard a lot of different interpretations about how this plan will work and what it all means for the American people.

But the best piece of advice I've heard so far hasn't come from the experts or the pundits, it came from a woman in my own district who I met at a town hall meeting.

We were talking about health care reform, and she said, "David, I want you to know one thing. In my entire life, I have followed one general rule when it comes to health care, one general rule that has served me well through the years. And that is, never go to a doctor whose office plants have died."

She wasn't telling me that she has a green thumb. She was telling me to use common sense.

And that seems like pretty good advice when you're trying to sort through all the voices in this health care debate.

For instance, we see a lot of commercials now attacking the President's plan, calling it a billion dollar bureaucracy, but then we realize that the ads are bought and paid for by the same people who are jacking up our premiums, dropping our kids from coverage when they get sick, and running our health care system into the ground.

Common sense makes me wonder: Are they honest critics? Do they really want reform? Or are they trying to protect the status quo?

We hear other voices who are Johnny one-notes: Every single time our Government tries to help people and improve lives they say it's socialism, big Government, tax and spend. In fact, they said the same exact thing about Social Security and Medicare.

Common sense makes me wonder: Are they constructive critics? Do they really want reform? Or are they just against whatever this President is for?

And then there are others who practice denial, who say we don't have a health care crisis. Most of them are the same people who also said we didn't have a recession a few years ago.

Common sense makes me wonder: Are they realistic critics? Do they really want reform? Or are they like the interpreter in that jail cell, who had other motives?

There are a lot of voices interpreting the President's health care plan these days, but when you use common sense, I think it makes it easier to sort through all the noise and focus on the important questions.

And there are important questions to be answered, there's no doubt about it.

People are talking about health care in grocery stores, in church basements, and around their kitchen tables.

They know that health care affects us all like no other issue. They know that for health care reform to work, they must all play a part and take responsibility for this system.

They're asking honest questions. And I think they deserve honest answers.

Because people have a right to know.

Mr. Speaker, over the coming months, I have reserved time on this floor every night to talk about health, to talk about the issues that confront us, and to answer some of the questions that I'm hearing from people back home.

I may not be Marcus Welby. I might not even be Doogie Howser, but I think I can give people some idea about how this health plan works, and how it will affect their lives.

For instance, I have a lot of people who write me and say, "David, how many different health care plans are currently before Congress?"

Mr. Speaker, there are at least six major health care plans before Congress right now.

But the President's plan is the only plan that provides all Americans with guaranteed private health insurance that can never be taken away.

Don't just take my word for it. Yesterday, the Congressional Budget Office—which is a highly respected, nonpartisan office that provides budget analysis and advice to Congress—issued a report on the President's plan.

The CBO found that not only will the President's plan indeed guarantee all Americans private health insurance with 100 percent effectiveness, but within 8 years time, it will reduce health care costs by $30 billion.

And in 10 years time, it will reduce costs by $150 billion.

And the CBO also found that it will eventually cut the deficit.

The other plans are very thoughtful plans, proposed by very thoughtful people, and they all have some good qualities about them, but they all lack the one essential element of providing guaranteed private health insurance that can never be taken away.

The American people have spoken on this.

In a recent USA Today poll, four out of every five Americans—79 percent—said guaranteed health care must be the cornerstone of health care reform.

Like the CBO said, unless you count all the costs, and get everybody into the same system, where you can keep track of those costs, we'll never get this system under control.

And that's why the President said he would veto any plan that doesn't guarantee private health insurance for everyone.

And his plan is the only plan that does that.

But you may ask, "David, how will this new system work? How is it going to affect me?"

The answer is, the President's plan builds upon what works today in the private sector—by expanding the employer-based system we have now to provide guaranteed private insurance for all Americans.

Here's what that means in English: After reform, almost all of us will be able to sign up for a health plan where we work, just like we do today.

You'll get brochures that give you easy-to-understand information on the health plans in your area—including an evaluation of the quality of care and a consumer satisfaction survey. And you can choose the plan that's best for you and your family.

If you're self-employed or unemployed, you sign up at the health alliance in your area—which is made up of consumers and local business owners who bargain with insurance companies for affordable health care for you and your family.

But the big difference is, after reform, every American will receive one of these: a health security card.

The card guarantees you a comprehensive package of benefits that can never be taken away.

And no matter what happens—if you get sick, change jobs, lose your job, move, start a small business, or retire—you'll never lose your coverage.

But, many people ask me, what if someone in my family has a preexisting condition? Will they be covered?

The answer is "yes"—under the health security plan, it will be illegal to refuse to insure people just because they've been sick.

Not long ago, a couple named Bob and Michele Peterson came to Washington to tell their story.

Their 9-year-old son was diagnosed with a potentially fatal blood disease and needed a bone marrow transplant. So far the bills to care for their son have exceeded $800,000. But the family found out halfway through that their insurance policy has a lifetime limit and won't pay more than $250,000.

Three out of four Americans with insurance today have lifetime limits and most of them don't even know it.

This was an upper middle class family with good health insurance and now they're forced to hold community fundraisers to raise the money that will keep their son alive because they can't find another insurance company who will cover his preexisting condition.

Michele says with tears in her eyes, "I thought we were safe. I thought we were in the clear. Now, we have $700,000 in bills and nobody will cover us."

After reform passes, Bob and Michele's son can never be denied coverage again. Health plans will have to accept people—healthy or not. They won't be able to charge you more for being sick.

And most important, they can't cut you off when you reach a lifetime limit. Because the President's plan abolishes lifetime limits for good.

But, I also get letters that say, "David, I have a good plan through my employer now. Will the new plan be as good?"

The answer is "yes"—for the vast majority of Americans, the Clinton comprehensive benefits package will cover at least as much as the current one. It's as good as the benefits offered by most Fortune 500 companies. And you can never lose it.

In fact, the President's plan is also the only private-based plan that specifies what benefits are covered.

The other plans leave that chore to a commission to decide benefits—only after the bill is signed into law.

Under the President's plan, you will be covered for hospital care, doctors visits, emergency and laboratory services, substance abuse, and mental health treatments.

And for the first time ever, prescription drugs will be covered.

In today's system, your insurance may cover you if you get sick, but it won't pay a penny to keep you healthy in the first place.

The President's plan will encourage prevention by paying 100 percent of the cost for regular checkups, well-baby visits, mammogram, Pap smears and other preventive care—to keep people healthy in the first place, so we can avoid more costly care down the road.

But many of the people back home also want to know: Will I still be able to choose my own plan and doctor?

The answer is "yes"—you'll always be able to choose your own plan and doctor. In fact, you'll probably have more choices than you have right now."

Under today's system, rising health care costs have forced many businesses to limit the health plans for their employees. Nearly three-quarters of small- and medium-sized businesses today offer just one plan, meaning you're stuck with that plan and the doctors it covers.

More than half of America doesn't really have any choice today at all.

Under the health security plan, no boss will be able to tell you which doctor to go to or which plan you can join.

Every American will have the choice among a number of high quality plans.

You can stay with your current doctor, join a network of doctors and hospitals, or join a health maintenance organization. Depending on the area you live in, you could be offered many choices within those three main areas. Your doctors can be part of any plan they want to.

Every year, you can switch plans. And if your doctor switches plans you can move with him.

Mr. Speaker, many people also ask me if premiums and copayments will go up under the new system.

The answer is "no"—premiums and copayments will be brought under control.

You know how the system works today—you may have a plan with a $250 premium. But if you get sick just once, you may see that premium shoot up to $2,500—and there's nothing you can do but pay it.

Under the health security plan, insurance companies won't be able to charge you more just because you're sick.

And if your employer is paying 100 percent of your premium now, they can continue to do so under reform.

Mr. Speaker, a lot of older Americans who are living on fixed incomes write me to ask if they'll be able to stay on Medicare.

The answer is "yes"—under the President's plan, older Americans who receive Medicare will still be able to receive their Medicare benefits exactly as they do today.

In fact, Medicare will be made stronger, because for the first time ever, Medicare will cover prescription drugs and no senior will ever again have to choose between the food they need to survive and the medicine they need to live.

Under this plan, old people won't be made to pay more just to pay for health care for young people.

The plan also takes the first steps toward covering long-term care.

And if you decide that you want different coverage, older Americans will be able to choose among different health plans that may offer fuller benefit packages and lower payments.

Finally, I get a lot of questions about cost. People say: "David, how is this plan going to control costs?"

We all know we need to reduce costs. Lately, there have been some evidence that medical inflation has gone down a little in the past year and some say that's proof that we don't need health care reform.

It reminds me of that old ballplayer who said, "You know, most people think we earn $3 or $4 million a year. They don't realize we only make $1 million a year."

The point is, it's still too much money.

The only reason costs have gone down is because we're talking about health care reform.

In the past 20 years, major health care legislation has been proposed twice and in both cases, special interests costs dipped because special interests banded together and went on their best behavior.

But as soon as the threat of reform passed, costs shot right back up. We can't be fooled again.

The fact is, health care costs have quadrupled in the past decade. Estimates are that without reform, they will eat up $1 out of every $5 our nation spends by the year 2000.

It's no wonder.

Insurance companies are raising your premiums.

Drug companies are charging five and six times more than they charge in other countries for the same drugs.

And unnecessary paperwork and fraud are sending costs through the roof.

As I said earlier, the Congressional Budget Office issued a report just yesterday that said within 8 years time, the President's plan will reduce health care costs by $30 billion.

And in 10 years time, it will reduce costs by $150 billion.

Not only that, but the CBO also found that it will eventually cut the deficit.

How will it do all this?

The Clinton plan will get costs under control in a number of ways. It limits the growth of health care premiums. As I mentioned a minute ago, it stops insurance companies from raising your premiums if you get sick.

It forces costs down by putting consumers in the drivers seat and making the insurance companies compete for their business.

It insists that drug companies and insurance companies charge fair prices.

It cracks down on fraud and eliminates excess paperwork. This plan replaces the 20 forms you have to fill out every time you go to a doctor with one simple, standard form that everyone will use.

It changes the incentives doctors have, emphasizing preventive care to treat people before they get really sick.

And it introduces competition among health plans, to give consumers choices among cost-effective, high-quality plans.

Those are some of the reasons why I support the President's plan.

Mr. Speaker, those are just some of the questions I get. And those people who tell me if doesn't matter what plan we enact into law remind me of the old story about the veterinarian and taxidermist who shared the same office.

Their slogan was "either way you get your dog back."

There is a difference between what plan we choose and the President's plan is the only plan that provides to all Americans guaranteed private health insurance that can never be taken away.

Is it a perfect plan? Of course not.

Some things will change between now and the time the President signs a bill into law.

And we're going to be working with Democrats and Republicans over the coming months to make a good plan even better.

Is it complicated? Of course it is. It has to be. Health care is 14 percent of the Gross National Product.

It's a difficult issue. But we all have a responsibility to get this system under control. And I'm going to keep coming to this floor in the days to come, and I'm going to continue to answer the questions I get from back home.

Because the American people know what's at stake. They feel this health care crisis every day.

They don't need any more interpretations.

They don't need more partisan bickering.

What they need is the truth.

What they deserve is honest answers.

And it's up to all of us to make sure they get them.

□ 1700

AVOID UNITED STATES INVOLVEMENT IN FORMER YUGOSLAVIA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas, Mr. PETE GEREN, is recognized for 5 minutes.

Mr. PETE GEREN of Texas. Mr. Speaker, the carnage of last weekend in the former Yugoslavia that was brought into all of our living rooms over the television set I fear has brought us to the brink of intervention in a bloody 1,000-year-old civil war in what was the former Yugoslavia.

Mr. Speaker, as we consider this as a Congress and as a nation, I think it is important that we consider it very soberly and consider the implications. You do not get a little bit into a war. You do not get a little bit into the middle of a conflict. We talk about just using airstrikes. But once you have made the commitment of putting American men and women into combat, you have stepped over a line from which there is no coming back.

The media accounts of the conflict in Yugoslavia have given us the impression that there are some good guys in that conflict and some bad guys in that conflict. The media has painted the Serbs as the aggressors. I would like to just share an anecdote from a hearing in front of the Committee on Armed Services when we were having hearings on the Bosnian situation.

We had a former NATO commander, a general from Canada, speak to us. He said first let me disabuse all of you of the notion that there are any good guys in this conflict. If we in NATO or if you Americans choose to engage yourselves in this conflict, you are choosing among degrees of serial killers. Perhaps 1 has killed 100, and the other has killed 75, and the other has only killed 50. If that provides you a basis to choose one or the other, well, so be it. But you need to know going in, there are no white hats over there.

There is no natural ally for the United States of America in that conflict. And it is a conflict which, if you look at history, is a conflict without end.

Another witness told us one day, in order to understand the conflict over there, ask yourself if you came home one day from work and someone had broken into your house, killed your spouse, murdered and raped your children, how would you spend the rest of your life?

□ 1710

What would you do for the rest of your life? Well, put yourself in that position and you have a hint of understanding of what is driving the forces of the civil war and the chaos in the former Yugoslavia.

As our country debates whether or not to get into this war, I would like to go back to a speech that then-Secretary of Defense Caspar Weinberger gave in 1984, as he tried to give us a blueprint to lead us into this post-cold-war era, a blueprint that has been used repeatedly over and over by our great military leaders since that time.

Let me quote from that speech:

I believe the postwar period has taught us several lessons, and from them I have developed six major tests to be applied when we are weighing the use of U.S. combat forces abroad. Let me now share them with you:

First, the United States should not commit forces to combat overseas unless the particular engagement or occasion is deemed vital to our national interest or that of our allies. That emphatically does not mean that we should declare beforehand, as we did with Korea in 1950, that a particular area is outside our strategic perimeter.

Second, if we decide it is necessary to put combat troops into a given situation, we should do so wholeheartedly, and with the clear intention of winning. If we are unwilling to commit the forces or resources necessary to achieve our objectives, we should not commit them at all. Of course if the particular situation requires only limited force to win our objectives, then we should not hesitate to commit forces sized accordingly. When Hitler broke treaties and remilitarized the Rhineland, small combat forces then could perhaps have prevented the Holocaust of World War II.

Third, if we do decide to commit forces to combat overseas, we should have clearly defined political and military objectives. And we should know precisely how our forces can accomplish those clearly defined objectives. And we should have and send the forces needed to do just that. As Clausewitz wrote, "No one starts a war—or rather, no one in his senses ought to do so—without first being clear in his mind what he intends to achieve by that war, and how he intends to conduct it."

War may be different today than in Clausewitz's time, but the need for well-defined objectives and a consistent strategy is still essential. If we determine that a combat mission has become necessary for our vital national interests, then we must send forces capable to do the job—and not assign a combat mission to a force configured for peacekeeping.

Fourth, the relationship between our objectives and the forces we have committed—their size, composition and disposition—must be continually reassessed and adjusted if necessary. Conditions and objectives invariably change during the course of a conflict. When they do change, then so must our combat requirements. We must continuously keep as a beacon light before us the basic questions: "Is this conflict in our national interest?" "Does our national interest require us to fight, to use force of arms?" If the answers are "yes", then we must win. If the answers are "no", then we should not be in combat.

Fifth, before the U.S. commits combat forces abroad, there must be some reasonable assurance we will have the support of the American people and their elected representatives in Congress. This support cannot be achieved unless we are candid in making clear the threats we face; the support cannot be sustained without continuing and close consultation. We cannot fight a battle with the Congress at home while asking our troops to win a war overseas or, as in the case of Vietnam, in effect asking our troops not to win, but just to be there.

Finally, the commitment of U.S. forces to combat should be a last resort.

As we as a nation consider this weighty decision, I think that we must reflect back on these questions asked by Secretary Weinberger and also ask ourselves is this a fight we are willing to go to the finish. I do not think so, Mr. Speaker. I hope that the carnage of the last weekend, the tremendous emotional appeal and the desire of every honorable person in the world to do something about this does not cause us to act imprudently. I fear that the Bosnian crisis is a riddle without an American solution.

THE HOLLOWING OF U.S. FORCES

The SPEAKER pro tempore (Mr. HINCHEY). Under a previous order of the House, the gentleman from Missouri [Mr. TALENT] is recognized for 60 minutes.

Mr. TALENT. Mr. Speaker, I have risen on the House floor on several other occasions as a representative of an ad hoc committee of members on the hollowing out of America's Armed Forces. Tonight I am going to discuss another aspect of the hollowing out of the forces. Before I do that, let me again remind the House what this committee is and what its function is.

I can do that best by defining what "hollowing forces" are. Here is a good analogy. Take a house that on the outside looks good. Maybe it has a nice coat of paint on the outside and it looks like it can do what a house is supposed to do. But when you go on the inside, you find it has no furniture. You find that the wallpaper is peeling. Maybe you find that there is not any plumbing in it. You find that it is unlivable, even though it looks like a good house. It should be a good house. When you actually look on the inside, it is not any good. It is hollowed out from the inside.

That is what is happening to our Armed Forces today. Because on the outside, Mr. Speaker, they may look good. On the outside the number of troops we have may look adequate to perform the mission that has been assigned to them. In fact, I think you will find, after investigation, that the total end strength of the Armed Forces is not adequate to perform the mission that has been assigned to them, even if we were funding their training and supplies adequately. But I will not address that tonight. I want to address the systematic underfunding of the troops we do have which is resulting in the hollowing of the force.

The little things are going away. The troops are not training enough. They cannot replace their equipment fast enough. They may not be able to recruit as high quality new recruits as they have been able to do in the past. Pretty soon you find that they cannot do what they were supposed to do, or they cannot do it as well. Or what is even more crucial, they cannot do it with the minimum loss of life.

That is what is happening gradually to the armed services. Tonight I will talk about a particular aspect of it. It has to do with supplies. It is ammunition.

Mr. Speaker, we have a terrible shortfall in ammunition in the armed services. Why is ammunition important? It is part of the quality of the forces that allows them to perform the missions which the political authorities have given them with the most minimal possible cost of life.

If you have the best quality ammunition with the best quality range and penetration, it means that, for example, you can engage the enemy at the maximum possible range, perhaps outside the range in which they can engage you. You can often shoot at them in a situation where they cannot shoot back, if you have the best quality ammunition.

You can penetrate the enemy's armored vehicles, which, of course, reduces the threat to which your infantry is exposed. So ammunition is absolutely crucial, not as part of some game, but because it is crucial to the lives of our soldiers and sailors and to the effectiveness and success of their missions.

Mr. Speaker, if you look at the ammunition stockpile that we have today and the ammunition industrial base you find this: Our armed services are supposed to be able to fight at any given time two major regional contingencies like Desert Storm. And moreover, it is the official policy of the Department of Defense that they should be able to go to war with the ammunition they have stockpiled. In other words, the official policy is that they can fight two Desert Storms at the same time with the ammunition that we have stockpiled, without counting on any additional production.

But if you look at what has happened, with the underfunding of the

ammunition accounts not only can the armed services not fight two major regional contingencies at the same time, they probably cannot even fight one. Moreover, the systematic underfunding of that account has resulted in the gradual degradation of the industrial base for the production of ammunition to the point where this situation is not going to be easy to change, because we simply do not have and in the future will increasingly not have the facilities out there which can produce high-quality ammunition quickly for the use of America's military.

That is basically the message of my address to the House tonight, Mr. Speaker, I want now to go into the details of it. Let us look first at what has happened to the budget for ammunition acquisition over the last approximately 8 years.

What you can see very clearly from this graph is that there has been a total decline in Department of Defense funding of 34 percent since 1985 and a total procurement decline of 64 percent. But ammunition procurement has gone down almost 80 percent. So ammunition procurement has gone down more than twice the decline in the spending on the defense budget as a whole. Moreover, of course, as public spending has dropped, the private spending of the industrial base in this area has dropped as well.

For example, research and development for new kinds of ammunition is off by 80 percent, similar to the decline in public funding.

What has that done, Mr. Speaker, to the all important ammunition stockpile? The next graph shows that pretty clearly. That stockpile has been degraded to the point where it is not adequate. I will be repeating this theme several times. The stockpile is not adequate for us to fight even one Desert Storm, much less two.

Mr. Speaker, when we prepared to fight Desert Storm, the Department of Defense determined that we needed about 450 tons of high-quality ammunition to fight the kind of war that they anticipated under Desert Storm.

□ 1720

Our total ammunition stockpile is about 2 million tons, but very little of that is the high-quality kind of ammunition we are going to need in the event of war. Let me describe the different kinds we have.

Going from the least valuable to the most valuable, first of all, about 5 percent of the stockpile is excess ammunition. This is, in the lexicon of the Armed Forces, the moldy bullets, Mr. Speaker. Nobody even knows whether any of them would work, they are completely useless.

About 30 percent of the stockpile has been given to the allies over a period of time. We do not know exactly what that consists of. We do not know where the allies have it stockpiled. We do not know whether they would give it to us if we needed it. We do not know how high quality it is. Probably it is not that high quality, or we would not have given it to them in the first place. The experts say that is not usable either.

Then about 25 percent of the stockpile is usable for training. This is poor quality, less modern ammunition. It is also less reliable. It may misfire or not fire up to 20 percent of the time. It fits in the guns, it is OK to use for training, it is better than nothing for training, but nobody claims that you can use it in the event of a war.

Then there is about 25 percent of the stockpile which is called discretionary, which means that in theory the commanders in the field would have the discretion to use that in the event of an actual major regional contingency. However, actually, Mr. Speaker, they exercised their discretion in Desert Storm against using that ammunition. The commanders refused to use it, and instead wanted new high-quality ammunition that was produced by the industrial base.

There is a reason for that. This is ammunition that will fire, it is reasonably reliable, but it is not the most modern. It does not have, in many cases, the range of the most modern ammunition.

For example, there is tank ammunition in the discretionary stockpile that does not have the range of the most modern kinds of ammunition that can be bought from the French, for example. So if the tank commanders used that they might possibly be engaging an enemy where the enemy would have a higher range, longer range ammunition, and could engage them at longer ranges when they could not shoot back.

What that would mean would be the death of more American servicemen in tanks, in battles where they would simply not have an equal chance, because they would not have the kind of ammunition they need.

Another example, the U.S. Air Force's stockpile of cluster bombs in the discretionary category contains 20-to-30-year-old armaments that require low-speed and medium-altitude delivery. Obviously, if you have to fly lower and you have to fly slower in order to deliver bombs, you are going to be more vulnerable.

Therefore, for all kinds of reasons the discretionary ammunition, although, of course, it could be used if absolutely necessary, has not been used in the past, and should not be considered as available if what we want our troops to have is the best quality equipment so they can do their jobs.

Here it is important to repeat the official vision for our Armed Forces. Yes, the experts say, we are going to have to shrink them. Yes; they are going to have to go down. Yes; we are not going to have as many, but they are going to have to have more firepower. They are going to have to have the best equipment. They can inflict casualties at a rate of 5 to 10 times the casualties that they suffer. That is the whole theory behind the administration's policy; and it is simply inconsistent with that vision to require that our men use second-rate ammunition.

Mr. Speaker, that leaves the ready-for-war ammunition, which is 15 percent of the stockpile, less than 350,000 tons, or not enough to fight even one Desert Storm as envisioned by the Department of Defense when it was preparing for Desert Storm. Not enough to fight even one, when the official policy is that we will have enough ammunition, high-quality ammunition stockpiled, so that our men and women in the Armed Forces can fight two of those contingencies at the same time without being at a disadvantage, as compared to the forces that we would be opposing. That is what has happened to the ammunition stockpile. It is simply not ready for war.

What effect has that had on the industrial base? Mr. Speaker, this chart shows that very clearly. As of the time of Desert Storm, most of the categories of the necessary ammunition, and there are 18 of them here, 18 different categories of ammunition necessary for the Armed Forces, in most of them we had adequate stockpiles to fight Desert Storm. In four categories we did not have adequate stockpiles, but we were able to replenish the stockpiles with additional production relatively quickly, within 6 to 12 months, and we were lucky, because Saddam Hussein gave us nine months in order to build up our forces.

As the House can see, the available stockpile has declined since then. We are now in a situation where 11 of the 18 major categories of ammunition are in the red zone, which means first of all that the stockpiles are not adequate to fight a war, and second of all, and this is the most shocking thing, that it would require more than 12 months of production, given the existing industrial base, to bring the stockpiles in those crucial areas up to the point where they would be adequate to fight one Desert Storm.

We are supposed to have stockpiled enough ammunition to fight two major regional contingencies at the same time, and actually in 11 of 18 critical categories, we are so short that it would take more than 12 months of production, given the existing industrial base, to bring us up to the level necessary to fight one.

Here are some examples. We currently do not have sufficient quantities in go-to-war stocks, high-quality stocks, of 25 millimeter ammunition. That is the ammunition that goes in the Bradley fighting vehicle, which is the basic armored vehicle of the Army. It would take more than a year for the

industrial base to meet the requirements for 25 millimeter ammunition.

We currently do not have sufficient go-to-war ammunition of .50 caliber ammunition either. That is the basic ammunition that is used in the machine guns on our tanks, and the machine guns used by our infantry, a very basic requirement, obviously, for the Army, and we are 12 months away from having an adequate stockpile.

We currently do not have stocks of 30 millimeter ammunition that is used by the Apache helicopter, which is our most up-to-date, modern, and effective attack helicopter. It does not do any good to have helicopters and tanks and armored cars if you do not have ammunition. A tank without ammunition is like a sophisticated station wagon out in the battlefields. It does not do your soldiers any good.

Again, to repeat, Mr. Speaker, and it is crucial that the House understands, the forces have gotten to the point where, while we are supposed to have stockpiled enough ammunition to fight two contingencies at the same time, actually we are more than a year away in 11 out of 18 crucial categories from being able to fight even one.

What this means for the industrial base can be summed up very quickly. It is weak and it is getting weaker all that time.

Of the country's 24 principal ammunition companies, only three are in good health. When I say that there are only three that are in good health, it does not mean that the others are necessarily going completely out of business. It means they are going out of the ammunition business and they are going into something else.

For example, the Harley-Davidson Co., which is back to making motorcycles successfully, and we are all glad about that, is the only manufacturer of bomb lugs, which is the metal part that attaches bombs to the undersides of aircraft wings. If you do not attach the bombs to the aircraft wings, you cannot get them up in the sky to drop them.

Harley-Davidson, which is the only domestic manufacturer of bomb lugs, is getting out of the business, because given the procurement that they see in the future, and what they can do with their resources in other areas, it simply is not worth it to them to stay in the business.

Mr. Speaker, I said that the Hollow Forces Committee would report periodically on what is happening in the armed forces. I will continue to do that. I have tried not to make political points in these discussions, at least apart from the important issues of policy, because this is not and should not be a political subject. A lot of these problems have originated and continued through two administrations, but it is time to correct them. We owe at least that much to the men and women of the armed forces whom we call upon to do difficult and dangerous jobs, and to the people of this country whose security ought to be our first interest.

I will repeat what Senator MCCAIN, who has spoken often on this subject, has said about the cost of a hollow force:

> It is not lawyers and accountants who pay the price of hollowing out the armed forces, it is the men and women of our military who go overseas and do not come back.

□ 1730

TRANSFER OF SPECIAL ORDER AND ORDER OF BUSINESS

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that I may have the time allocated to the gentleman from Georgia [Mr. GINGRICH], which I understand would be following the majority side.

The SPEAKER pro tempore (Mr. HINCHEY). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SWETT. Mr. Speaker, could the gentleman clarify, for my understanding the gentleman would be taking the time of the gentleman from Georgia [Mr. GINGRICH]?

Mr. DOOLITTLE. Mr. Speaker, that is what I would like to do, following the presentation of the gentleman from New Hampshire. Is he with the gentlewoman from Washington on the same issue?

Mr. SWETT. No; I was going to yield my slot to her with an ability to follow her afterwards. She is talking about taking a 15-minute slot and I am looking at 30 to 45 minutes.

Mr. DOOLITTLE. Mr. Speaker, it has to alternate anyway between both sides, does it not?

Mr. SWETT. I understand. How much is the gentleman from California asking for?

Mr. DOOLITTLE. I think there will probably be three of us involved for most of the hour.

Mr. SWETT. Mr. Speaker, I would like to take the time that I have blocked and then I would be happy to let the gentleman follow me according to the rules of the House, if that is how the Chair would see it most appropriately run.

Mr. DOOLITTLE. Mr. Speaker, could we transfer the time of the gentleman from Georgia [Mr. GINGRICH] to me following the presentation of the gentleman from New Hampshire [Mr. SWETT] who I guess is transferring his time to the gentlewoman from Washington?

The SPEAKER pro tempore. Let me ask is it satisfactory to the gentleman if the gentleman from New Hampshire yields a small amount of his time first to the gentlewoman from Washington, whereupon we would use his time, and then the gentleman from California would follow after that, assuming that no one else ahead of the gentleman from California shows up? Would that be satisfactory?

Mr. DOOLITTLE. That would be satisfactory.

VALUES WHICH HOLD COMMUNITIES TOGETHER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire [Mr. SWETT] is recognized for 60 minutes.

Mr. SWETT. Mr. Speaker, I ask unanimous consent to yield 15 minutes of my time to the gentlewoman from Washington [Ms. CANTWELL].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

TRIBUTE TO MICROSOFT

Ms. CANTWELL. Mr. Speaker, during the weeks that the House was out of session, our Nation received a substantial amount of economic good news. The economy is growing. Unemployment is declining. The budget deficit picture is improving.

These trends are encouraging. But macro numbers don't tell the whole story. The new dynamism of our economy is best seen in the accomplishments of its individual companies and people.

My colleagues from Washington State want to take a few minutes today in this special order to talk about the recent accomplishments of one company in our State that is one of the Nation's leading exporters, will play an integral role in the creation of the information superhighway and creating unique cultural and educational tools for our families.

The House certainly is familiar with Microsoft. It is our Nation's leading software company; a jobs machine and small business generator; and a leader in helping the U.S. balance of payments.

Now that's new news about Microsoft that demonstrates how vital it and the software industry are in reestablishing our world competitiveness and leading the U.S. economy into the next century.

Here is what has happened just since we went home in November: Microsoft unveiled its new Microsoft Home (R) software, an innovative package of programs aimed at better educating our children; Fortune magazine's December 13 issue named Microsoft the Nation's most innovative company, based on a poll of senior corporate executives; the Information Technology Association of America awarded Microsoft its 1993 Quality Award for outstanding customer support; Microsoft is the only U.S. software company to win this prestigious award, which is modeled after the Department of Com-

merce's Malcolm Baldrige Quality Awards; a Business Week poll selected Microsoft CEO Bill Gates as the corporate executive for whom respondents would most like to work; Fortune magazine, after surveying more than 10,000 business and financial leaders, in its February 7 issue named Microsoft as the Nation's third-most admired corporation, and as the corporation rated highest for ability to attract, develop and keep talented people; and Nathan Myhrvold, Microsoft's senior vice president for advanced technology and business development, was appointed by Secretary of Commerce Ron Brown to the National Information Infrastructure Advisory Council.

These are just the latest entries on a record in which Microsoft, Washington State and our Nation can take great pride. Certainly the people of my First District, the home of Microsoft, both take pride and reap benefits from this record.

Mr. Speaker, at this time I would like to place into the RECORD several statements by my Washington State colleagues.

Ms. DUNN. Mr. Speaker, will the gentlewoman yield?

Ms. CANTWELL. I yield to the gentlewoman from Washington, my other colleague from the State who is a member of the Committee on Science, Space and Technology, to further comment on the accomplishments and successes of this industry.

Ms. DUNN. Mr. Speaker, I thank the gentlewoman for yielding, and I would like to do a bit of bragging too about our leadership in high technology under the name of Microsoft in Washington State.

Mr. Speaker, the reason that Microsoft and the software industry has grown so rapidly and continues to grow is because they are truly innovative.

In some fields, probably most, new developments and new products enable us to do a task easier or enjoy something a little more. With the latest stereo system, for example, we can hear the symphony a little better and perhaps change the recording with less effort.

But in software, new advances are enabling us to do things we previously couldn't do at all. The quantum leaps of software during the past two decades define innovation in the finest sense of the term.

As a member of the Committee on Science, Space and Technology, I see many examples of the latest devices in one high-technology area or another. But as a former IBM programmer I can tell you that it is the software on the inside, not the shiny finish on the outside, that makes these products innovative. Without the software, most of them aren't anything more than a modern sculpture.

Until the 1970's, software generally was developed for specific computers by the computer manufacturer. As a result, the distinction between hardware and software was not actively perceived.

In the 1970's, however, the computer software industry came to be recognized as a separate industry from the hardware section. That is because software came to be developed by companies separate from the hardware manufacturers. A substantial amount of the software also became usable on various models of computers.

Microsoft led that structural change by making its operating software open in two ways: First, it could be used on more than one brand of computer, thereby establishing itself as a leading industry presence; and second, applications software from developers other than Microsoft could be used in harmony with the Microsoft operating software.

That open approach made it possible for thousands of other companies—most of them entrepreneurial startups—to compete in the dynamic software market. Microsoft, in fact, has spent millions of dollars over the years educating and urging other software companies to develop applications programs to run on Microsoft's MS-DOS and Windows operating software. In this fiscal year alone, Microsoft will spend $14 million in support of independent software vendors. Microsoft also brings these independent software vendors into the very early stages of its development of new operating systems. Feedback from the independents frequently has resulted in changes to products.

This broadening of the intellectual resources for software development has been a major element creating the rapid pace of diverse innovation.

Ms. CANTWELL. Mr. Speaker, I thank the gentlewoman for her comments.

Mr. Speaker, I yield to the gentleman from Washington's Fourth District [Mr. INSLEE] another member of the Committee on Science, Space and Technology.

Mr. INSLEE. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, as we are talking about innovation today, it is appropriate to talk about Microsoft. And I would like to just comment about why I think their case is demonstrative of why we have such bright spots in our national economy. There is a lot of talk about gloom, but I think there are still bright spots, and Microsoft is an example of that. And I would like to comment on some reasons for success in their industry and their particular participation.

□ 1740

I think those reasons are external and internal, and if I could just address three external reasons why the industry and Microsoft in particular has been successful.

One is technical, if you will, and that is the expansion of microchip capacity, and that capacity has allowed expansion to meet the capacity of software. That has been an external reason Microsoft has been able to be successful in the industry.

Second, ease of competition and ease of entry into the market: This particular industry has really shown the wisdom of having ease of entry and great competition, because no party has been able to stay on the pedestal long without reinventing their company.

I would like to talk about their efforts in that regard in a minute. It has been constantly an evolving industry.

Third, the industry has had market-driven standards. They have not had government-set standards. It has largely been driven by the market, and that shows the success for the industry.

Let me comment on the internal, if I may. The internal reasons for a company like Microsoft's success, and I heard the CEO who gave some comments about the next decade of Microsoft. The thing that really struck me is their comment that Microsoft has to change every day. They reinvent their corporation every day, and they urge their employees to do that. That is something perhaps we need to follow in Government.

That has been very successful. Microsoft has been rated by a survey by Fortune magazine of senior executives as the most innovative corporation. Another survey of 10,000 senior executives said it has been looked at as the most admired corporation for attracting and keeping talented personnel. That is because they have learned to reinvent their corporation every day. They have been successful, and it is a real bright spot that I hope the Government can come to emulate.

Ms. CANTWELL. I thank the gentleman from Washington for his comments.

Mr. Speaker, I want to thank my colleagues for sharing their thoughts.

I am proud that my district plays such a central role in this industry as the home of its leading company, Microsoft.

But I believe it is clear that every one of us and every one of our constituents benefits in many ways from the products of this industry. Let us do nothing to stifle any of the dynamism and innovation that mean so much for all of us.

Mr. FOLEY. Mr. Speaker, jobs are the most important element of sustained growth in this economy, and the creation of high-technology jobs will help this President and this Congress achieve our economic goals. For that reason, I think it is particularly appropriate for me to commend Microsoft, one of Washington State's most important companies, and the entire software industry, for creating exactly the kind of jobs America needs to sustain growth and compete in the global economy.

For a decade, the software industry has been the fastest growing industry in the Na-

tion. Microsoft itself has grown from nothing to more than 9,000 jobs in the last 20 years, and the products it produces have sparked the rapid growth of the entire software industry, with entrepreneurs forming hundreds of new companies that, in turn, create more jobs. In world trade, these companies command their markets and produce an important balance-of-payments surplus that helps other areas of the U.S. trade deficit.

But, beyond macroeconomic benefits, software industry products and technology have dramatically increased the ability of American industries to provide better products and services, while the industry itself has remained extraordinarily dynamic, extremely competitive, and able to produce better and more advanced products at lower prices. Every major governmental, academic, and industry study has concluded that continued advancements in software are critical to the technological leadership of this country.

The benefits of this important industry to the American economy, and to the quality of American life, can be measured in its impact on every aspect of communication. In education, ever-improving software provides students and teachers with innovative tools for improving the ability of children to read, write, learn, and think.

Certainly, the information superhighway envisioned by the President and the Vice President, will require every bit of skill and creativity that the software industry can muster. The challenges are great, but the American software industry is up to the task. In all, it has been a growing, productive, job-producing industry of which our country can be proud. We must continue to encourage its growth for the benefit of every American, and, indeed, for people throughout the world.

Mrs. UNSOELD. Mr. Speaker, when we talk about software, most people think first of word processing and spreadsheets and the other kinds of programs typically used in business.

As a member of the Committee on Education and Labor and its Subcommittee on Elementary, Secondary and Vocational Education, I want to talk just a bit about the increasing role played by software in educating our children.

Computers have been coming into the classroom with growing frequency over the past decade. The early staples were simple word processing, math programs, and game-like exercises intended to hold the attention of younger pupils. But now educational software is really beginning to expand our children's horizons.

One good example is the new Microsoft set of programs which help them develop writing skills and acquire an appreciation for the arts.

These programs are designed for elementary school and middle school children. They seek to stimulate a child's creativity through integrated text, graphics, sound, and animation.

Microsoft conducted more than 3,000 hours of research in the classroom to develop these programs, consulting at length with pupils and teachers. Developers found, for example, that children prefer to use formatting features differently from adults, so the programs were changed to conform. Children also said that getting started was the hardest part of writing, so the program added 8,000 story starters.

To help introduce the programs to the classroom, the company is giving away 15,000 copies to teachers.

My point is not to single out a particular product, but to illustrate the potential that evolving software gives us for stimulating and educating children.

Our schools have tremendous problems. Tight budgets. Teacher burnout. Crime and security. Absence of strong home support for many children.

We need to encourage any technological advance that can help counter these discouragements.

Mr. KREIDLER. Mr. Speaker, there's an old expression that I think applies very well to the future of software: "We ain't seen nothin' yet."

Both the administration and Congress have set forth a policy to encourage the development of an information highway, or national information infrastructure. The Committee on Energy and Commerce, on which I serve, is closely involved with these dynamic developments. The tremendous restructuring we see going on throughout the communications and computer industries is substantially based on the potential of that highway. Microsoft, for example, is spending $100 million a year on research and development that won't yield products for 5 years.

The traffic of the information highway will be the digital 1's and 0's of the computer. Pictures, words, and sounds all will be converted to bits and bytes for movement among computers, telephones, television, and other elements of the high-technology world.

What's going to make the highway work is the software that will make the lightning-fast decisions on locating, directing and storing the information on the highway.

Consider interactive television, likely to be one of the main components of the information highway. Interactive television has the potential to offer much more than just improved television. It's a technology that could allow people to obtain and generate information in ways they never thought possible. Consumers could use it to meet numerous needs, including information retrieval, deduction, communications, government services, and financial and business transactions.

Instead of just watching a baseball game, for example, in the interactive world a viewer would be able to punch a handheld remote control and call up on screen the lineups, or the current statistics of the batter, or the latest scores. A viewer could also bring the season's schedule to the screen, and then order tickets electronically.

In the interactive world, people would be able to conduct business with the Government such as renewing a driver's license, or attend and actively participate in educational seminars and classes from their home.

Not surprisingly, competition is fierce among companies to produce software and other technologies for the information highway. However, most of these technologies are still in their infancy. No one really knows yet what will work or what consumers will want. Competition for customers will focus software and hardware developers toward products that will allow users to access the information and applications they want.

In our quest to encourage the development of a nationwide information highway, we must ensure that the system is open and compatible with other products, or it is sure to fail. However, a seamless and compatible network must not be cultivated at the expense of innovation and creativity in the industry. Ironically, picking technologies prematurely with the goal of speeding the development of the information highway would, in fact, serve only to stifle that very development. I urge my colleagues to work carefully toward striking that critical balance.

Mr. McDERMOTT. Mr. Speaker, as a member of the Committee on Ways and Means, I closely follow trade policy and developments. The software industry provides our Nation with plenty of good news in terms of exports and favorable balance of payments. However, there are problems in the intellectual property arena that must be solved if our software companies are to maximize their trade potential.

Microsoft is our leading software exporter. In 1993, Microsoft sold more than $2 billion worth of software outside the United States. That is more than 55 percent of its total revenue. Microsoft markets products in 27 different languages, and its products are available in virtually every country.

The Department of Commerce estimates that U.S. companies sell three-quarters of the world's prepackaged software and earn half their revenues from foreign sales. Oddly enough, however, the Federal Government still does not specifically track software export data; those numbers are lumped together into a larger category.

Despite this very strong world leadership, U.S. software companies face significant problems in the overseas markets. The most blatant problem is piracy.

Software is easy to copy. For only the pocket-change price of a blank floppy disk, a pirate, in a minute or so, can copy a program that sells for several hundred dollars. And, unfortunately, there is absolutely no deterioration in quality when you copy software.

Piracy is most rampant abroad, where it occurs on a mass level. It costs U.S. companies an estimated $10 billion in lost foreign revenues.

Piracy is the illegal taking of our intellectual property. Unfortunately, Microsoft and other U.S. software companies also must contend with the legal taking of their intellectual property in countries that give such property inadequate protection under law.

In this regard, I am concerned about recent developments in Japan which could lead to so-called reverse engineering of software. I strongly urge our trade negotiators to emphasize in all appropriate forums the necessity for strong protection of our companies' intellectual property so they can continue to lead in world markets.

Mr. SWIFT. Mr. Speaker, as a member of the Committee on Energy and Commerce, and chairman of its subcommittee that has jurisdic-

tion over the Federal Trade Commission, I have had longstanding concern with ensuring fair competition in the marketplace.

Three standard questions that consumers can ask to evaluate whether a market is competitive are these:

First, is there a variety of products; Second, are prices getting higher or lower?; and Third, is quality getting better or worse?

By any of these measures, the computer software industry is remarkably competitive.

Many thousands of software companies market applications programs ranging from a single, special-use entertainment product to a complete line of the core kinds of programs used in the office. I think it is important to note that many of these companies are well known names such as Lotus, WordPerfect, and Borland, as well as Microsoft. Others may market only a single, very specialized program. These programs typically can operate on Apple's computers, or on any number IBM PC's or PC clones running MS–DOS, IBM's, PC–DOS, Novell's DR–DOS, Microsoft's Windows, IBM's OS/2 or Unix. Many also have versions that run on workstations from vendors such as Sun Microsystems, Hewlett-Packard, or DEC.

The brainpower of a programmer and a modest amount of money for production and packaging is about all that is required to enter this industry. As a result, market leadership in program areas changes from time to time as leaders fail to innovate enough. Remember early leaders like Display Write and VisiCalc in word processing and spreadsheets? Today it's WordPerfect and Microsoft Word, Lotus 1–2–3 and Excel. Tomorrow? Who knows? That's the nature of the competition in this industry.

Competition and innovation push prices and performance in the favor of consumers. The rule of thumb for computer pricing is that 18 months from now, you can get today's computer power for half the price, or you can pay the same price and get twice the power. Software behaves similarly. Over fairly short periods of time, prices drop and quality continues to increase in terms of features, speed, ease of use and other ways.

Frankly, I think this country would be better served if other industries displayed the same level of intense competition, product innovation, continuous quality improvement and creative dynamism.

One other point. If you read any of the computer trade publications—even those aimed primarily at the consumer market—you constantly find references being made to the amount of time a software product may be hot. Indeed this is often measured in weeks. The newest, best, market leading breakthrough product in the Fall is often out-dated, old fashioned, inadequate and superseded by Spring.

Into that kind of a market, government needs to be very careful what regulation it brings. A lot of antitrust concepts that have served this Nation well for many decades just may not apply directly to a number of emerging technologies. It is not that we should abandon the principles, but we should be very, very cautious about blindly applying traditional analysis, process and remedies.

The United States still leads the world in some major areas of commerce. Many of them in the high-tech arena. Care must be taken that, in order to protect consumers and foster competition—two still valid policies—we don't also hobble the very industries that offer our Nation its brightest opportunities of continued prosperity.

Mr. DICKS. Mr. Speaker, in the State of Washington, we have had two principal sustaining industries over the past several decades: aircraft manufacturing and the forest products industry. Both are cyclical, and both have experienced recent substantial job losses that have affected our State's economy. Most of our colleagues are aware of the significant reductions in timber harvesting in the Pacific Northwest due to the listing of the Northern Spotted Owl. In addition to that impact, the world's leader in commercial aircraft sales, the Boeing Company, is riding out a major downturn in the airline industry, not just in the United States, but worldwide.

With that as background, I am pleased to join my colleagues from Washington to note the significant positive impact that the computer software industry has had on our State, even though it is in its infancy. Nine years ago Microsoft—now an industry leader—had only 1,000 employees in the State of Washington.

Today, the company employs 9,000 workers, 80 percent of whom are in Washington State. That represents an enormous positive impact over a very short period of time, and it has also spurred the development and growth of many other smaller software companies that sprang up to create and market products that run on Microsoft's MS–DOS and Windows operating systems. All of these firms share what is an emerging base of technical talent in this industry.

These thousands of jobs that have been generated by Microsoft and the software industry have been good jobs—high paying jobs for highly educated workers. More than one-third of Microsoft's American workers, for example, are computer programmers and other technical employees.

Mr. Speaker, Microsoft represents a tremendous force in the American marketplace—one from which we benefit greatly in the Puget Sound area of Washington State, and one which is critically important as we develop the national information infrastructure.

GENERAL LEAVE

Ms. CANTWELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore (Mr. HINCHEY). Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Ms. CANTWELL. Mr. Speaker, I appreciate the efforts of the gentleman from New Hampshire in yielding to us.

Mr. SWETT. I thank the gentlewoman very much. It is my pleasure to listen to such a cogent and balanced discussion about high technology and the needs that this country has for that technology for not only today but the years ahead, and I appreciate the discourse and gladly yield any time that she would like to so discuss it again in the future.

Mr. Speaker, tonight is the beginning of a conversation, a dialog, that I would like to have with my colleagues. I sense the need for a national dialog about the values which hold communities together and underlie and support the legislative efforts of those of us who are honored to be public servants in our Nation's Capital. I hope that, through this discussion, we might begin to change the tenor of public debate from the adversarial and disrespectful discourse that is sometimes observed, to a more cooperative and respectful interaction that focuses on solutions instead of dwelling on the points where we disagree.

Many of the values and principals needed for a strong community and society are familiar to us all. Some of them may even seem trite. However, after 3 short years in Congress it has become clear to me that they have not been focused on nearly enough. We especially have not heard enough of what Mainstreet America believes and wants for our country. It is for this reason that I and a number of my colleagues have committed ourselves to spending some time every Wednesday night talking about the issues and challenges facing this country in the hope that we can begin to rebuild bridges of trust between the public and government, and between different groups around the country.

Too much of the public discourse these days is divisive, destructive, and negative. It is time to develop a new language that begins to reconnect a society that today appears to be more divided than it was during the Civil War. If we are unable to successfully reconstruct a sense of community in America, we may yet realize the tragic prophecy of one of our greatest leaders, Abraham Lincoln, who in 1838, a full score years before the Civil War, uttered these words:

> All the armies of Europe, Asia and Africa combined, with all the treasure of the earth—our own excepted—in their military chest; with a Bonaparte for a commander, could not by force take a drink from the Ohio or make a track on the Blue Ridge in a trial of a thousand years . . . If destruction be our lot we must ourselves be its author and finisher. As a nation of freemen we must live through all time, or die by suicide.

He was, of course, speaking of the impending evil of Civil War, but what was spoken over 150 years ago could very easily apply to today; only today it is a subtler, more insidious virus that pits group against group, special interest against special interest, ideology against ideology. The streets of Los Angeles during the riots, the daily drug killings in our towns, and throwaway

kid syndrome exhibited by too many parents, demonstrates that societal suicide is alive and well in America. It seems as if, here in Congress, opposition is tantamount to cooperation. Little attention is given to the greater good of the whole as special interests fight for their programs and policy. Our national interests are pitted against the selfish interests of individuals and groups. It is a win-lose situation where all too often it is the Nation as a whole and the majority of its citizens who are on the losing side. Surely there must be a new way. A way in which we all win something, where compromise and agreement can be found so that the basic values of our society can be maintained and strengthened. And this will only be possible if we stop fighting about our differences and start building upon our shared values and similarities.

In a successful community the unspoken need is to build coalitions and consensus, not factions and dysfunctional debate. These communities are not successful because there are no differences, it is just that the members of the community work hard to solve their problems.

Yet, the most prominent product of congressional floor debate seems to be dysfunctional gridlock. What if the tone, the demeanor, the very language of debate in Washington were changed? I am not advocating the elimination of disagreement or debate. Rather I am calling for the elevation of more fundamental qualities—that can not be legislated—that would encourage, rather than discourage, resolution of differences encountered in the legislative process. Is it a crime to seek win-win solutions?

In architecture, buildings are designed not only as esthetic sculptures, but as functional structures that serve their inhabitants. The key is to combine the two in such a way as to provide for both the pragmatic and inspirational needs of the occupiers. The debate and discussion in this process reflect mutual respect and most importantly a desire by all the parties to find agreement. This is really the approach that is built upon a win-win scenario.

Take the design of a simple house. The client is not one person, but the entire family. Each person has preferences that are different from the others. The different preferences, by human nature, inflate or deflate certain aspects of the house in the eye of the individual. Those who like to cook want large kitchens, party people want big living rooms, and so on. The architect's role is to bring balance to the process and accord each living area its proper due while keeping the entire project under budget, on schedule, and up to the esthetic standards set by the architect and client together.

Public buildings go through the same process although in a somewhat less personal and individualistic way. Public space is a place where the sense of community is heightened and relationships are promoted between members of the public. Neutral corners are offered where specific tasks are carried out or thoughts are gathered. The balance between the two should make the role each space plays all the more effective.

As an architect, I like to look not only at the surface and shape of buildings, but at underlying structures, too. Every building consists of beams, headers, and multiple other components that are concealed, yet play the more important role of supporting the structure. As a legislator I cannot help but see the same process of design underlying structures in society, except that they are intangible concepts, or values that connect individuals to their community. Values like neighbor helping neighbor. That all of us are entitled to equal opportunity and freedoms. That each of must take responsibility for our actions and for keeping our Nation strong. That structure is weakening. What can be done to strengthen the structure?

The lack of a productive dialog, of win-win situations, has allowed legislation to focus unduly on the problems rather than on finding meaningful solutions. Too often we are caught up in the debate for the sake of debate, not for the good it produces. Meanwhile, our society is struggling and crumbling around the edges.

We cannot allow our communities to disintegrate, where one group is separated from another, where neighbors no longer know their neighbor, when families are ripped apart. We are turning our public spaces—the markets, town greens, and gathering places from places where relationships are created and nurtured between members of the community to sites of butchery where lives are mercilessly slaughtered.

So too, are the relationships between these people obliterated and annihilated. Beyond this destruction is the destruction of all relationships that touched the lost lives. Their ability to love is impaired; their ability to hope is hobbled. In short, the underlying structure of any good and tolerant society is shaken and weakened.

In order to encourage my colleagues and the public at large to participate in this new democratic community—with a small d—I think it is only appropriate to first lay what I call the foundations of agreement. These are the basic values that I think Mainstreet America would say are necessary to establish a constructive discussion. We have obviously lost our understanding of the foundation, otherwise why would our society have splintered into multiple and divided groups?

There are some basic principles that need to be agreed upon. Just as when I hold town meetings on health care reform, where the first question I ask is, "Who thinks health care needs reforming?" and invariably 70 percent of the people attending raise their hands, so too do we need to ask, "What are the basic principles that need to be agreed upon in order to start a constructive, society-strengthening dialog in the political arena?" If we can get a 70 percent agreement in this area like I can get on the need for health care reform, then we have come a long way toward starting the dialogue on a positive footing. Let me offer some ideas I have regarding foundational principles.

First, our society is based on a profound respect for the individual and the sacredness of the human being.

Second, that good government serves the greater good by balancing the needs of the few with the needs of the many through pragmatic, reasonable decisionmaking and consensus.

Third, in a free society, as individual freedoms increase, so do individual responsibilities.

Fourth, the Government's role is to provide the policy tools to increase individual freedom, prosperity and common values—such as the need for strong families—and that elected officials are the public servant who fulfills the will of the public for the public good.

I do not think either the extreme left or the extreme right can truly claim these principles. A whole new paradigm, or way of thinking needs to be encouraged in Government so that solutions become the norm instead of rhetoric. It is important for elected officials to talk, but not for the sake of talking. The electorate must take more responsibility by demanding that rhetoric becomes reality. The record of accomplishment should be easily correlated and matched with the original plans laid out by the elected official. Promises made should be promises kept. Actions should speak louder than words.

What role does Government have in the connecting of principles to the issues? Here is an example: Government is neither the ultimate provider of entitlement nor the blind, standby agent of benign neglect. Another example might be: Government is poised, in principle, at the center point of the dynamic polar forces, one which wishes Government to do everything and the other which wishes Government to do nothing. Both of these forces are simplistic; both provide false choices; both are ultimately harmful to society. Locked together as they are today, both forces are responsible for gridlock and misery.

I hear too often from people about how they wish Government would stop looking for partisan positions and start

implementing solutions. Government should not define its purpose by reacting to the polarized, simplistic ideological forces, but rather by ignoring them and returning to the basic principles upon which, hopefully, we have all agreed:

First, what is the real situation and problem?

Second, what pragmatic, effective tools can be created to deal with the situation and/or equip people to solve these problems?

What can we look for in a leader to give us confidence that he or she is thinking in this fashion? There has to be balance. Partnerships between the public and private sector at the national and local level ought to be a common goal. A balanced program creates a win-win situation for America; an unbalanced program creates winners and losers, which is what we have too much of today in America.

Effective and productive activity denotes the new leader. Americans seek results, not rhetoric, and those results are being sought in health care reform, crime prevention, welfare reform, job creation, and so on. We must elect and follow people who are clearly identifying goals and achieving them. Vice President GORE's reinventing Government is a good example of goal setting and, we hope, accomplishment. Those not supporting this approach are willing to waste national resources to maintain ineffective or nonproductive means because they have severed the relationship between ends and means.

Look for leaders who are interested in results produced by individuals who are freely empowered to solve problems with useful tools, not necessarily tied to one party or another. If every problem is seen as a nail then every solution begins to look like a hammer. That kind of rigid thinking stifles creativity and narrows options for not only finding solutions but for articulating the results to different groups as well. Too many politicians are more interested in the idea, the ideals, and the end goals, and maintaining a commitment to them, than they are in producing pragmatic tools for solving problems. They damage their own stated cause by being rigid and ideological.

This country is a country of optimists. Our problems are temporal and specific. Americans embody the values which, with useful tools, can be used freely by them to solve their problems if only Government and its leaders will put enough faith in the public to do so. It is an illusion to claim that Government actually manages the economy. What is more accurate would be to understand that Government creates tools or obstacles which when freely used by individuals produces constructive, progressive results or economic disaster.

Finally, I believe the independence of the American people should not be underestimated. If they have the tools to solve their problems, they will do so independently and without the need of interference. "If it ain't broke, don't fix it," the saying goes. A logical corollary would be, "if it is broken, make the tools available for someone to fix it, and they will."

I think these values are held by a broader cross-section of the American public than any other approach. Recognizing these values and allowing them to be developed and realized is the first step toward building the bridge of trust. Building bridges of trust are the first structures necessary for the reconstructing of the sense of community in this Nation.

The dialog in the country is moving in this direction. Just witness the number of articles and books being written about the need to build community.

First, Dan Kemmis—Community and the Politics of Place;

Second, Amatai Etzioni—The Spirit of Community;

Third, John W. Gardner—On Leadership, and

Fourth, Michael Rowan—On the Deterioration of Political Dialogue in the United States, to name a few.

In Congress there is evidence of this new spirit of cooperation. Look at the example of the Penny-Kasich amendment. This was an amendment to cut spending in Government by an additional $90 billion above and beyond the cuts proposed by President Clinton. This amendment was crafted by a unique bipartisan group of 15 Democrats—I was one of them—and 15 Republicans. Could it be that we had a win-win situation with such bipartisan support? Unfortunately, this reasonable and fair proposal lost in the waning hours of the session by the close vote of 219 to 213. Although the measure failed, it played an important role in solidifying an emerging coalition on the Democratic side of the aisle that has become known as the New Democrats—a group that is determined to get results, to build individual responsibility into Government policy, and who are working to see that Americans have the tools they need to keep this country great. Many people who supported the Penny-Kasich legislation reflect the mood of a national electorate that is increasingly skeptical of Washington and hungry for change. It is a safe bet that this budget coalition will resurface in the future, and may even hold the balance of power in the House in the coming years.

These were not Members of Congress who wanted to cut every category of spending simply for the sake of reducing the deficit. However, they do understand that long-term economic growth requires less Government borrowing and more private investment. This was the first precursor to the ideas presented by Robert Shapiro in his article on cutting and investing which appeared in the Wall Street Journal on January 17, 1994.

It is time to seriously re-examine the progovernment or antigovernment extreme ideologies which an increasingly skeptical middle class does not seem to be buying. It is time for Members of Congress to start addressing the real problems that have all but destroyed the public's faith in Government. Homelessness, broken families, drugs, and irresponsible citizens belong to neither party or a particular ideology. They are problems all of us share and must resolve.

Another bipartisan effort to rebuild the bridge of trust between the public and the Government is a piece of legislation coauthored by Congressman CHRIS SHAYS, a Republican from Connecticut, and myself, a Democrat from New Hampshire. It is called the Congressional Accountability Act. It sounds simple enough: Congress should live by the same laws it sets for the rest of the country.

But, as amazing as it may seem, Congress is partially or wholly exempt from a host of laws the executive branch and private sector must comply with, including health and safety standards, information disclosure, equal employment opportunity and civil rights protections, labor laws, ethics standards, and even part of Social Security regulations. This is an outrage and is wrong. More practically speaking, Congress would write more effective and responsible legislation if it lived under the same laws it imposes on the executive branch and private sector.

By exempting themselves from some laws, Members of Congress lose the opportunity to experience firsthand the effects of the legislation they adopt. And, in turn, they remove themselves one step further from the average American, insulating themselves from the frustrations constituents face every day.

It is no wonder so many feel Congress is out of touch.

Being in touch is what representative government should be all about. Being in touch is certainly what good community is all about. People in touch with themselves. People in touch with each other. All of us working together on common agreements to improve our society through debate on the details. That is what will keep us from committing suicide. That is only possible by broadening the language of political debate to include the rhetoric of responsibility and values.

President Clinton understands this language. A growing number of my colleagues also understand this language. As President Clinton said in his State of the Union address,

> . . .let us be honest. We all know something else too. Our problems go way beyond the reach of government. They are rooted in

the loss of values, in the disappearance of work, and the breakdown of our families and communities. My fellow Americans, we can cut the deficit, create jobs, promote democracy around the world, pass the toughest crime bill in history, and still leave too many of our people behind. The American people have to want to change from within if we are going to bring back work and family and community.

We cannot renew our country when within a decade more than half of our children will be born into families where there has been no marriage. We cannot renew this country when 13-year-old boys get semiautomatic weapons to shoot 9-year-olds for kicks. We cannot renew our country when children are having children and the fathers walk away as if the kids do not amount to anything.

We cannot renew our country unless. . . all of us are willing to join the churches and other good citizens. . . who are saving kids, adopting schools, making streets safer. All of us can do that. We cannot renew our country until we realize that governments do not raise children, parents do, parents who know their children's teachers, and turn off the television and help with the homework, and teach their kids right from wrong. Those kinds of parents can make all of the difference.

These are powerful words. The problem at the moment is that they are only words. Rhetoric. In the coming weeks I hope that I, my colleagues who choose to participate, and Americans from Mainstreet America can explore more deeply the values that will surely shore up the sagging foundations of our society.

□ 1800

Health care reform, welfare reform, crime legislation, and next week we will be talking about congressional reform; these are all the issues that need to be focused on, I think, that need to be passed this year so that we can begin to improve the relationship between Government and the people. We need to offer examples where the rhetoric has truly been replaced by reality.

□ 1810

We need to lay out the modest plan by which we humbly hope to build a new democratic community, one in which there is shared responsibility, shared accountability, shared pain and sorrow, shared love, and shared joy.

I look forward to continuing this dialogue in the weeks ahead. I thank the Speaker for the opportunity for allowing me to begin it this Wednesday evening.

HEALTH CARE IN AMERICA

The SPEAKER pro tempore (Mr. HINCHEY). Under a previous order of the House, the gentleman from California [Mr. DOOLITTLE] is recognized for 60 minutes.

Mr. DOOLITTLE. Mr. Chairman, I yield to the gentleman from Alabama [Mr. BACHUS].

HOLD RTC OVERSIGHT HEARINGS

Mr. BACHUS of Alabama. Mr. Speaker, the American people criticize this body, Congress, for two things. They criticize us for passing laws and then exempting ourselves from them, and they should. They also criticize us for living above the law and ignoring those very laws that this body passes which do apply to us, but which we choose to ignore.

Mr. Speaker, one of those laws which we passed and which most definitely applies to us and which we are ignoring is title V of FIRREA. FIRREA was passed by this body on August 9, 1989. That law, which this body passed, requires the Committee on Banking, Finance and Urban Affairs to hold semiannual oversight hearings into the operation of the RTC, right there on page 388. We are in violation of that law. We are presently ignoring that law.

Mr. Speaker, on January 25, all 19 of my Republican colleagues on the Committee on Banking, Finance, and Urban Affairs wrote to the chairman of the committee, the gentleman from Texas [Mr. GONZALEZ], asking him to hold these hearings as required by law.

Yesterday, Jonathan Fiechter, the Acting Director of the OTS, appeared before a subcommittee of the Committee on Banking, Finance and Urban Affairs, and expressed the Treasury Department's willingness to go forward with these hearings. But he personally reminded me in the hearing that by law, those hearings must be called by the chairman of the Committee on Banking, Finance and Urban Affairs, the gentleman from Texas [Mr. GONZALEZ].

Today, once again, all the Republican members of the Committee on Banking, Finance and Urban Affairs have joined me in a letter to the chairman of the committee, the gentleman from Texas [Mr. GONZALEZ]. I have here that letter. We urge the gentleman to hold these hearings as required by law. We plead with him to stop ignoring that law and to hold these RTC oversight hearings. We remind him in that letter what Mr. Fiechter said, that it is not up to the Treasury Department, it is up to the chairman of the Committee on Banking, Finance and Urban Affairs.

Mr. Speaker, we are waiting for a response from Chairman GONZALEZ. The American people, who want us to abide by the laws we pass, they are waiting, and they are watching.

Mr. DOOLITTLE. Mr. Speaker, I yield to the gentleman from Texas [Mr. GONZALEZ].

ABUSES AT THE FEDERAL RESERVE

Mr. GONZALEZ. Mr. Speaker, almost 1 year ago to date, as part of the administration's plan to reinvent government, President Clinton instructed Federal Government agencies to cut their work force by 5 percent or about 100,000 full time job equivalents. The Federal Reserve continues to completely disregard the President's instructions and keeps wasting taxpayers' money.

True, the money the Federal Reserve spends is not congressionally authorized but the Fed certainly has its hands deep in taxpayers' pockets and it should not be exempt from careful oversight. The Federal Reserve has access to any amount of money it wants printed from the Government printing presses. With this money it has bought itself over $300 billion in Government securities. Every dollar it does not spend from the interest it earns on these securities goes back to the Treasury to reduce the deficit. I will say this, it has never averaged more than one-half of one percent. So extravagance at the Fed hurts every one of us.

The Federal Reserve System, including the Board of Governors and all 12 of the Reserve Banks, employs 730 economists, statisticians, and other researchers. This is one of the largest groups of researchers in the world and their research focuses on money and banking. I would think this is a highly capable group that can handle the research needs of the central bank.

But this vast establishment is not enough for the Fed. Since January 1991 the Fed has spent almost $3 million for 290 outside economic consultants.

Almost all of these outside consultants already have other jobs at universities, think tanks, and other academic institutions, generally in the area of money and banking. The Federal Reserve pays many of these researchers substantial sums with 47 of these outside consultants receiving over $20,000 in the 36-month period the Banking Committee studied.

The American Economic Association reports that 1,020 members list their primary area as being "domestic monetary and financial theory, and institutions." The Federal Reserve is coincidentally paying 1,020 people to work in this and related areas. In other words, it would be fair to say that the Fed is paying more than half the economists in these areas. Amazing—does DOD hire half of all the mathematicians? Does Interior hire half the tree surgeons or NIH hire half the brain surgeons? Not on your life.

Why does the Federal Reserve spend this kind of money on outside economic consultants when it has such a huge research staff of its own? Nobel Laureate Milton Friedman says that the Fed is, in fact, "buying up its most likely critics."

The Federal Reserve holds expensive conferences, paying speakers to come from around the country. For example, the Atlanta Federal Reserve Bank, finding its costly Atlanta facilities not fancy enough, has scheduled a 3-day conference on derivatives in Coconut Grove, FL, at an expensive luxury hotel for the end of this month. The program I received shows the conference adjourns for the afternoon at 1:30 p.m. on the second day and reconvenes at 9 a.m. the next morning. The

purpose of the early adjournment is to allow time to examine and explore the local golf course terrain, according to one prominent economist who was invited to attend and was advised to be sure to bring his golf clubs.

That kind of camaraderie and benevolence from the Federal Reserve Bank of Atlanta will produce many friends among experts in financial derivatives—the very area that the Banking Committee is considering legislation. All of this beneficence—to academic and influential business people alike—is the most genteel and effective lobbying tool around. The Fed uses it freely—just like any other corporate titan. Only the Fed wants us to think it is the independent, nonpolitical, central bank.

This may all look like small potatoes to individuals with good jobs. But to American taxpayers who are paying their bills and to the 2.3 million civilian government employees who fear that many of them will be shown the door in the name of efficiency and eliminating waste, the Federal Reserve is throwing a little Miami Beach sand in their faces. What elected—or even appointed—officials outside the Fed, would defend the pointless extravagance that the Fed daily gives itself?

I have ordered my staff to investigate these expenditures for outside consultants and conferences, and to find out exactly who is getting these funds and benefits, and what they have done to earn them.

Meanwhile, I ask my colleagues to support my bill, H.R. 28, the Federal Reserve System Accountability Act of 1993, which for the first time, would provide for complete audits of Federal Reserve activities that would clearly illuminate these kinds of expenditures. If we are serious about eliminating waste in Government I think it is long past time to sell this message to the Nation's chief inflation fighter which constantly preaches the virtues of sacrifice and pain in its ill-conceived plan for a monetary choke-hold.

I include the following items for the RECORD.

PROGRAM OF ATLANTA FEDERAL RESERVE BANK CONFERENCE AT GRAND BAY HOTEL IN MIAMI, FLORIDA LATER THIS MONTH

FINANCIAL MARKETS

A Conference sponsored by the Federal Reserve Bank of Atlanta at the Grand Bay Hotel in Miami, Florida on February 25 and 26, 1994.

REGISTRATION FEE: $450

☐ Yes. I wish to register:

☐ My check is enclosed.

☐ My check will follow.

☐ I am unavailable to attend, but I wish to recommend the below-named person for your consideration.

Name: ___. Phone No: ___.

Title: ___. Organization: ___.

Address: ___.

City: ___. State: ___. Zip Code: ___.

Make check payable to: Federal Reserve Bank of Atlanta. Mail payment and registration form by November 19, 1993 to: Ms. Jess Palazzolo, Public Affairs Department, Federal Reserve Bank of Atlanta, 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713. NOTE: Registration fee covers dinner on Thursday, February 24, and full conference participation on Friday and Saturday, February 25 and 26, including all meal functions. For travel and lodging information, call Ms. Palazzolo at 404/521-8747.

Financial Markets Conference, February 24, 25 and 26, 1994, Grand Bay Hotel, Coconut Grove, Florida.

PRELIMINARY PROGRAM

Wednesday, February 23: 7:00–8:00 p.m. Preconference reception—at hotel.

Thursday, February 24: 8:00–9:00 a.m. Registration and continental breakfast.

9:00–12:30 p.m. Academic papers presented (2).

(1) Presenter: Robert Shiller, Yale University—"Aggregate Income Risks and Hedging Mechanisms." Discussant: invitation outstanding.

(2) Presenter: John Hull, University of Toronto—"Pricing Credit Risk in Interest Rate Swaps." Discussant: Robert Whaley, Duke University, Durham, North Carolina.

12:30–1:30 p.m. Luncheon—no speaker.

1:30–5:00 p.m. Academic papers presented (2).

(1) Presenter: Robert Engle, University of California at San Diego—"Applications of ARCH and GARCH Models to Options Pricing Models." Discussant: David Bates, University of Pennsylvania, Philadelphia, Pennsylvania.

(2) Presenter: Bernard Dumas, Hautes Etudes Commerciales, School of Management, Jouy-en-Josas, France; Guest Lecturer at Duke University, Durham, North Carolina—"Realignment, Risk, and Currency Option Pricing in Target Zones." Discussant: Clifford Ball, Vanderbilt University, Nashville, Tennessee.

5:00 p.m. Meeting adjourned.

6:30 p.m. Reception—in hotel.

7:00 p.m. Dinner—in hotel, with spouses.

Friday, February 25: 8:00–8:30 a.m. Continental breakfast.

8:30–10:00 a.m. Session I: Market Structure and Volatility (panel of 4 with moderator).

(1) Sanford J. Grossman, University of Pennsylvania, Philadelphia, Pennsylvania.

(2) Stephen Ross, Principal, Roll and Ross Asset Management Corporation, and Sterling Professor of Economics and Finance, Yale University.

(3) John Sandner, Chairman, Chicago Mercantile Exchange, Chicago, Illinois.

(4) Joanne Hill, Vice President-Equity Derivatives, Goldman Sachs & Co., New York, New York.

10:00–10:30 a.m. Break.

10:30–12:00 noon. Session II: Foreign Exchange Risk and Hedging (panel of 4, with moderator).

(1) William A. Allen, Head of Foreign Exchange, Bank of England, London.

(2) Mark Garman, President, Financial Engineering, Inc., and Professor of Finance, University of California, Berkeley.

(3) Kenneth Rogoff, Princeton University, Princeton, New Jersey.

(4) Jean Zwahlen, Member of the Governing Board, Swiss National Bank, Zurich.

12:00 noon. Luncheon. Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System, Washington, D.C.

1:30 p.m. Adjourn for the afternoon.

7:00 p.m. Reception out (with spouses)—leave from hotel.

Saturday, February 26: 9:00–9:30 a.m. Continental breakfast.

9:30–10:45 a.m. Session III: Swaps (panel of 4 with moderator).

(1) Sheila Bair, Acting Chairperson, Commodity Futures Trading Commission, Washington, D.C.

(2) Maurice R. Greenberg, Chief Executive Officer, American International Group Inc., New York, New York.

(3) William J. McDonough, President and Chief Executive Officer, Federal Reserve Bank of New York.

(4) Invitation outstanding.

10:45–11:00 a.m. Break.

11:00–12:00 noon. Academic respondent:

(5) Clifford W. Smith, Jr., Clarey Professor of Finance, William E. Simon Graduate School of Business Administration, University of Rochester, Rochester, New York.

Open discussion follows.

12:00 noon. Buffet luncheon—no speaker.

1:30 p.m. Mr. Forrestal—Summary of conference and adjournment.

☐ 1820

Mr. Speaker, I thank the gentleman for yielding to me.

Mr. DOOLITTLE. Mr. Speaker, I yield to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Speaker, with the debate going on about health care, there are so many different alternatives and there is so much rhetoric going on that I have tried to focus comments on questions that are asked me on a regular basis, when I am in the district.

Over the break, I had probably seven health care town meetings and then a number of other town meetings where people asked a number of questions. And I have just compiled them and documented the answers so that when people say, well, the President is saying so and so and you are saying so and so, to remove the suspicion of partisan politics, basically what I have done is document each answer so that people know that when I am saying something, it is not just JACK KINGSTON speaking but comes right out of the bill.

With that in mind, if you want to talk about the health care plan, that is one of the things that I thought we should really focus on tonight.

Mr. DOOLITTLE. I would like to ask the gentleman, we hear many who criticize this health care plan as basically socialized medicine. Let me just ask the gentleman's opinion. Is the Clinton health care plan socialized medicine?

Mr. KINGSTON. Well, I think that the best way to answer that is to describe the duties of the National Health Care Board.

The National Health Care Board would be appointed by the President. Basically, they would run health care in the United States.

Included in their powers would be the right to set standards for doctors and health care providers, the right to prohibit health care providers from performing certain procedures not deemed necessary, the power to write, develop, and approve language for insurance policies. They would have cost-contain-

ment authority. They would gather information and evaluate it. They would control costs. They would set community rates. They would have oversight on drug prices. They would have the power to set health care budgets in the form of insurance premium caps.

Mr. DOOLITTLE. You said two things out of this list that really jump out at me. One is the ability to control costs. You mean there are going to be price controls?

Mr KINGSTON. Absolutely. And historically, as we look at socialized medicine in other countries, price control, government artificial price controls are always a component of it. And it always leads to the next step, which is rationing.

Mr. DOOLITTLE. That brings me to the next item you mentioned, which was caps on premiums, insurance premiums.

Mr. KINGSTON. Yes. The way the insurance premium caps would be is, I guess there is an assumption in there on the part of the administration that insurance companies are overcharging, price gouging. And now the administration is making the insurance companies out to be the sole problems with health care, which I think we could all agree that certainly they are in it. They are part of it. They should have some changes that would be part of the solution. And yet, at the same time, there are 1,100 different industry groups involved in health care delivery. We cannot just single out one group as the major problem.

But when you limit the premiums that are paid and limit the costs or allocate the costs, what happens, the next step is rationing.

I will give you a scenario on this. If a doctor right now is charging say $20,000 for a kidney transplant, and I do not have any idea if $20,000 is a fair number or not, and the National Health Care Board, through the State-run alliance, has said, we are only going to pay $15,000 for a kidney transplant, then what happens?

The network, to answer to the alliance, to answer to the National Health Care Board, will say, we are only going to pay $15,000 for a kidney transplant. Therefore, the people who get the kidney transplant are the ones who recover the fastest. If you are in and out of the hospital within a few days, we can make the $15,000 go, but if you are an older person and it might take a week to recover, then the costs are going to be over the allocated budget. And therefore, you do have a rationing situation. That is what has happened in England, in Germany, in Canada, and every other country that has socialized medicine.

Mr. DOOLITTLE. Well, I interrupted the gentleman, but I appreciate the elaboration on those two points.

What other features does this plan have that smack of socialized medicine?

Mr. KINGSTON. I think the idea, what we are saying, that one premium will fit all. So if you are 21 years old and you wake up in the morning and eat bean sprouts and jog marathons all day, your premium is going to be the same as somebody who is 55 years old and who has less worries about health care in terms that they just will not take care of themselves.

They might smoke, drink, and eat excessively and never exercise. Yet the two will pay the same premium. That is a Government artificial price control, because you really—all the Government can do is cap these prices. But someone is going to get overcharged. So in this case, if you are 21 years old, you are going to be overcharged to underwrite the 55-year old who is not taking care of himself.

Mr. DOOLITTLE. I appreciated the gentleman elaborating on that.

Mr. KINGSTON. I want to say another thing about this National Health Care Board. Along with running health care in the United States, in the process of doing that, they have usurped the States' power, because the McCarran-Ferguson Act says that States will run health care and, to the degree that they are running it, the Federal Government will stay out of it. This plan repeals the McCarran-Ferguson Act and, because of that, your State legislature will no longer be in a position to have health care reform ideas, because they will be basically a paper tiger. All the power will be with these unelected bureaucrats on the National Health Care Board.

Mr. DOOLITTLE. How much do you anticipate this new bureaucracy will cost?

Mr. KINGSTON. Well, the estimated cost, of course, you know how things are in Washington, if you ask on Monday, you get a Monday price, and Tuesday you get a Tuesday price. We have the price stability of a commodities trader. Some $400 billion is what is projected. And incidentally, the National Health Care Board would be about $2 billion alone.

Mr. DOOLITTLE. The President claims that this is a simple plan. I would just say to the gentleman that I have got the bill. It looks like we have in this bill 1,364 pages. I have read this. Some of this is the most convoluted material I have ever read in my life. I have to read it three or four times to understand what they are really saying, because they say it and then they modify it and then there are parts of exclusion and further modification. And it seems anything but simple.

Let me just ask the gentleman, from your study of the material, what do you think he means when he says that this is a simplified plan, this 1,300-plus page plan?

Mr. KINGSTON. Well, I guess to try to think the way the administration's idea or concept of simplification is that when you go as a consumer to your alliance, you will only have one place to shop your health care. That will be in the alliance. The alliance will only offer you three plans: A fee-for-service plan, the standard plan, and a health maintenance type organization plan. And those are your three choices. So, yes, it is more simplified for the individual consumer in terms of purchasing, but in exchange for that simplification you have given up thousands of options that are out there on the free market today.

Again, you will be mandated to buy your health care through the Government-sponsored alliance.

Mr. DOOLITTLE. It reminds me of that 1986 Tax Reform and Simplification Act, which was a very large bill similar to this. And you do not hear anybody talking about how simple the Tax Code is today. I just have the feeling that the exact same thing is going to happen with this socialized medicine plan. It is not going to be all that simple at all, and it will result in many changes.

Let me ask you this, a lot of people think they like socialized medicine. They point to Canada and Great Britain and Germany, maybe Sweden. What is the experience on that?

□ 1830

Mr. KINGSTON. Mr. Speaker, I am going to answer the gentleman's question, but first I am going to get back to his other point. When he is talking right now, it is February. People back home, hard-working wage earners, are filling out their tax forms. I can promise the Members that probably about 80 percent of them are having to go to a professional accountant to have their tax returns done, and yet in 1984, as the gentleman said, that was called tax simplification. Here we are with a simplified health care plan, which is three times the size of that tax simplification bill.

Folks are doing their taxes right now, and they should be. It is on their minds. Just think in terms of if we think our taxes are simple, think about how simplified our health care is going to be. Health care in other countries right now, according to a recent Associated Press story, the French health care plan is $9.8 billion in the hole. The Canadian plan, daily, people come to America for nonemergency routine type operations. In 1986 the doctors went on strike there.

I was reading in just December that hospitals were given a month to cut $200 million in their budget in Ontario, and that employees are being forced to have 12 days of unpaid leave. Their systems have all kinds of problems. In some of my health care town meetings, I had people stand up from England and Canada and Germany and other places and just go on for 5 minutes on how they came to America to get away

from that kind of thing, and here they are right back again faced with it.

Mr. DOOLITTLE. Not only do I understand that they came to get away, we need to look into what happened in December, because some very unusual things in Canada happened. They ran out of money and they basically pretty much shut down the health care system for a few days. As I understand it, and I am asking for verification of this, but I understand that basically people were told, "Unless you are super sick, you have a child with a temperature of over 105, don't come around for the next few days."

Mr. KINGSTON. That is right.

Mr. DOOLITTLE. That is what happens when we have a socialized type of system.

Ironically, many of these countries, including, I think, Canada, are looking at the United States' system for ways to suggest to them how they might improve their own, and yet our leader is looking to the socialistic system, looking for ways to "improve our system."

Mr. KINGSTON. It does not make any sense. Let us take the scenario in Canada in 1986 when their doctors went on strike. Think what would happen if our specialists went on strike today, and all of a sudden you cannot get some certain procedure or cataract surgery or something like that, because there are only a limited number of professionals, maybe—I don't know how many—in the entire country, but certainly less than 10,000, and they all get together. They have the ability to get together, because they have the specialization, which is needed, for a powerful union, a powerful organization. They have the skills. They have the money to form a network. They could make all kinds of demands under this system which they cannot make right now under the free market system.

Mr. DOOLITTLE. Mr. Speaker, let me ask the gentleman this, if I may. Do we have to go to socialized medicine in order to address some of the legitimate complaints about our present health care delivery system, or is there a way to fix the parts of it that are less desirable, and yet retain the advantages of a competitive, free enterprise based system?

Mr. KINGSTON. I believe there absolutely is. I think the first step on that, though, is to analyze the 37 million uninsured, and then realize upon that analysis that 70 percent of the 37 million will get their health care replaced within a year. That is a revolving number, they are people in between jobs, college students who have not got their permanent career path going. I am not ignoring that, but the fact is that 70 percent of them will be insured within the year.

Look at the 30 percent, the chronic uninsured. That is where we need to attack our problem, the people who have multiple sclerosis, muscular dystrophy, the folks who are minimum wage workers, $5-an-hour employees, that is who we should focus on. Let us correct that problem before we go and throw the baby out with the bath water that the Clinton plan does.

The gentleman from Tennessee [Mr. DUNCAN] is here, and I cannot recognize him, but I think the gentleman can.

Mr. DOOLITTLE. I shall do so. I just want to observe that of this so-called 37 million who are uninsured, less than 4 percent are uninsured for more than 2 years. By the way, this is, generally speaking, a very healthy group, because only 2 percent of the uninsured claim to be in poor health, and less than 3 percent report being denied private health insurance. For the most part, these are people who really do not want to be forced to pay for health insurance, and however foolish we think this gamble might be, they do not think it is foolish. They do not want to be forced to pay, like the Clinton plan will make them pay, and subsidize less healthy individuals.

I just thought it would be important to cite those statistics, because we are not talking about millions and millions of people who are sick and cannot get health insurance. We are not talking about any more than 4 percent of that 37 million who do not have health insurance for more than 4 years.

Mr. Speaker, I yield to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from California for yielding to me.

Mr. Speaker, I want to say I commend both the gentleman from Georgia [Mr. KINGSTON] and the gentleman from California [Mr. DOOLITTLE] for taking this special order out, and taking time to discuss an issue of such concern to so many people.

I think that one of the greatest concerns I have, though, was mentioned a couple of months ago in Time magazine in an article that said, "Prognosis: Lost Jobs." That article said that there is an internal working paper that the administration has that says if the administration goes forward with this health care plan, that it could cost as many as 1 million jobs lost over the next 5 years.

There are some studies that show an even higher number of lost jobs than that. The National Restaurant Association has a study that shows a potential for 3.1 million jobs lost. the National Federation of Independent Businesses has a study which predicts a total of 1.6 million lost jobs.

I will tell the Members this. I know that the stock market is at an all-time high and that times are good for some people, but I also know this. I have been in this office for a little over 5 years. During the first 3 years or so that I held this office, the usual thing that people would come see me about were things like Social Security, Medicare, V.A., passports, things like that.

Over the last couple of years, I would say half of the people who come to see me come to see me about helping get jobs. They want Federal jobs, State jobs, local jobs, and there are many small businesses that are barely hanging on out there. The health care plan, the way it is planned now, will be a real blow to them.

I do not think we should be passing any legislation in this Congress that could cost 1 million jobs lost, that the administration itself—and I know Laura Tyson, the Chairperson of the Council of Economic Advisers—said no, it was too high, it would be more like 600,000, but that is still far too many.

It is easy to say things like 1 million jobs lost, but if you are a man or woman who loses his or her job, it is not such an easy thing, and in fact, it is a terrible thing.

A few months ago a minister in Tennessee spoke to me. He told me that he had gone to Russia with a group of Baptists. He told me that while they were there they toured the hospital. He said to me, "Congressman, I would not take my dog to that hospital."

The truth is that in this country, the animals in this country have better medical care than the people do in many countries around the rest of the world. Sure, we have problems and we need changes. The cost is far too great, but the costs of medical care in this country have been driven up primarily because of too much governmental interference in the medical system and not too little.

I do not want to take up too much of the Members' time, but I do want to mention this: Last week the Washington Post had a series on Medicaid. One of the most liberal Members of the other body was quoted as saying about Medicaid that it is a horrible system, a vile system, and it should be abolished.

Then they quoted a scholar from the Brookings Institution, who jokingly said Medicaid was a success story of the American political system. He said, "We create a system that is so horrible that we then are forced to go to total reform."

The people who wrote, the well-intentioned, well-meaning people, who wrote the original Medicaid law, I am sure thought they had written the best law that probably ever hit the books of this country. I know that is what is going to happen with this law. The people are well-meaning and well-intentioned, but they are going to write a law that is going to slowly cause the greatest medical system in the world to deteriorate.

The wealthy people and the leaders of foreign countries come here when they get seriously ill, so while we have problems and we need changes, we need to make sure that we do not throw the baby out with the bath water, as was said just a minute ago. We need to make sure that the changes we make truly will help bring down medical

costs in this country, so we do not ruin what is a wonderful system.

I am so concerned about some of these things, and I want to thank each of the Members for participating and bringing some of these things to the attention of the American people. I will stay here for a few minutes and listen to what else you have to say.

Mr. KINGSTON. If the gentleman will yield, I think one of the things that he mentions now in terms of those who are uninsured and in terms of the working poor, there are solutions out there for them and the chronic uninsured, and all those solutions are in the so-called Michel plan, which basically challenges this universal access concept to universal affordability.

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What we really need in health care is it to be affordable regardless of your income bracket. And what the Michel plan does, and the reason I have cosponsored it is because it does give small, unincorporated businesses the full 100 percent tax deduction that large corporations get now. It gives them the right to form purchasing groups on a voluntary basis, which basically gives them the economies of scale that large businesses get now. And it has other things that will make the market more price-sensitive.

For example, the Medisave account which has been a tremendous success in Singapore. I am always a little leery when people just say well, let us just do what they are doing in some other country, because there are always a number of conditions or different things that we have to take into account. But there is the track record, and there is reason to take a serious look at the Medisave account.

Mr. DOOLITTLE. I would like to jump in and say that under the Clinton socialistic medicine plan it mandates universal health insurance coverage. The Cooper socialistic medicine plan, I guess I will call it, and they call it Clinton lite because it just takes longer to get there, but their goal is universal health care insurance. I challenge the very assumptions of those plans. Universal health coverage would be a disaster for the taxpayers of this country. If you remember the long lines that formed when the Government passed out the free cheese, that is an illustration of what is going to happen with universal health care coverage. When this becomes free you are going to have massive increases in utilization, and we are going to completely blow apart the forecasts made by the administration. Even the Congressional Budget Office representing the Democrat-controlled Congress came out today in today's Washington Post and said that the Clinton administration is vastly underestimating the cost of its own plan, that indeed it will increase the Federal deficit by $74 billion in the first 6 years. It is not going to improve the deficit picture; it is going to get much worse, and this is from the Congressional Budget Office.

I just think we need to make that point. We do not seek, we do not desire universal health care coverage. This will be the financial ruin of this country, and we have to challenge I think some of the very basic assumptions of the President's plan. And I would just remind everyone that the whole premise of this plan with all of this massive and minute governmental intervention, and control, and limitations, and rationing, and price controls, the whole premise of this is that we are going to make health care more affordable. When did the Government ever take over anything and make it more affordable or render a better type of service? There is no example of that in our history.

Mr. KINGSTON. But there are examples of exactly what the gentleman is talking about and exactly what the nonpartisan CBO is talking about when they say this is going to add $74 billion to the deficit. And that was the example that in 1965 when Medicare came about the administration at the time underestimated it by 70 percent. The first 5 years it cost 70 percent more than they projected, and the projection was not a conservative one.

Mr. DUNCAN. If the gentleman will yield, not only did they underestimate the cost for the first 5 years, but Government actuaries at the time, in 1965, estimated that 25 years down the road Medicare would cost $12 billion, and instead it cost over nine times that much. And I think that is why so many people are skeptical of some of these initial cost estimates.

President Clinton estimated or his administration estimated that his plan would cost $700 billion over the first 5 years. But within a few days Newsweek had a cover which said "Clinton's Trillion Dollar Cure," and many people think even those estimates are low. I have heard it said if you think health care is expensive now, wait until it is free, and I think there surely is some truth in that.

Speaking about Newsweek, I want to add also that they ran one sentence from the President's plan, and this one sentence I want Members to listen to for a minute. It says:

"(B) FAMILY.—In the case of an individual enrolled under a health plan under a family class of enrollment (as defined in section 1011(c)(2)(A)), the family out-of-pocket limit on cost sharing in the cost sharing schedule offered by the plan represents the amount of expenses that members of the individual's family, in the aggregate, may be required to incur under the plan in a year because of general deductible, separate deductibles, copayments, and coinsurance before the plan may no longer impose any cost sharing with respect to items or services covered by the comprehensive benefit package * * *.

Now remember, this is just one sentence, and I am still in that one sentence—

"By the comprehensive benefit packages that are provided to any member of the individual's family, except as provided in subsections (d)(2)(D) and (e)(2)(D) of section 1115."

That ran in Newsweek under the title, "Splitting Headaches Better Be Covered." This plan is so complicated, so convoluted that nobody can understand it, 1,342 pages of the most bureaucratic gobbley-gook that I have ever seen. I was a lawyer and a judge before I came to Congress, and I do not understand what is in there. I noticed that a CBS national news report about 3 weeks ago said that the professor from Stanford University who came up with the original managed care concept, the man who the Clinton administration gives much of the credit to for this plan, said that the administration should take pages 1 through 1,342 and delete everything and start over.

Mr. KINGSTON. Let me ask an open question. Were either of you on the health care task force? Who was? Who wrote this plan, because we have been unable to obtain a list of who was on the task force?

Mr. DOOLITTLE. This is the task force chaired by the First Lady?

Mr. KINGSTON. Yes. And the one that was meeting in secret until there was the lawsuit to end that. Were there private practitioners on it, for example?

Mr. DUNCAN. The Wall Street Journal ran a list finally of all 500 members. There were 499 Democrats and there was one Republican that somehow got in there, an aide to Congresswoman NANCY JOHNSON. I do not know how that particular aide got in there. But I have heard it said that this plan was devised in the most partisan, secretive way of any plan or any legislation that has ever been seen in this city, and that is really saying something.

Mr. DOOLITTLE. Well, it really is.

REQUEST TO YIELD PORTION OF SPECIAL ORDER

Mr. DOOLITTLE. Mr. Speaker, may I inquire of the Chair how much time remains in our special order?

The SPEAKER pro tempore (Mr. HINCHEY). The gentleman from California has 23 minutes remaining.

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that following the conclusion of our special order, if any time remains within the original 60 minutes, that the balance of it be transferred to the gentleman from Massachusetts [Mr. TORKILDSEN].

The Speaker pro tempore. The gentleman from Massachusetts has his own time scheduled.

Mr. DOOLITTLE. I thank the Speaker.

We did commit to the gentleman from Massachusetts that he would have some time, so I think maybe we ought

to try and wrap this up in the next 5 minutes or so and let the gentleman from Massachusetts claim his time.

Mr. Speaker, I yield to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Speaker, I have one story that I thought was a good example of some of the thoughts that the American public has and some of the apprehension. Under this system, and this came out in one of my health care town meetings, but I was telling the story about here you know you have the President, and you have this seven-member nonelected bureaucracy called the National Health Care Board which will be running health care policy in America, and underneath them you have the series of State-run monopolies called alliances, which are health care brokers. And then they will offer to you health care through these networks and no forth.

□ 1850

The gentleman had mentioned, you know, what if you are not happy. You know, sometimes you get complaints about the VA hospitals. Some are good. Some are not so good. But wherever you are, that is your hospital. You do not have debate. You don't have a choice, you know, of which five VA hospitals do you go to. You have to go to the one in your geographical area.

The same thing is true of these alliances. You have to go to the alliance that you live in.

Ask yourself this: Are Members of Congress, is the President of the United States, is the Vice President of the United States, are the Cabinet Members going to go to the downtown Washington, DC, alliance and stand in line and sit in the lobby with the rest of the residents of this city to get health care? I do not think that they will. I said that to somebody, and one of the comments was, "Well, maybe the President of the United States is entitled to the best of the best of health care. After all, he is the President of the greatest Nation the history of the world has ever seen. Maybe he should be exempt." A guy stood up in the back of the room and said, "Well, Mr. Congressman, I tell you what, my mama is entitled to the best of the best. If the President wants to get a little exemption from his alliance, then I think my mama should, too." I think that tells it all.

The American people do not want the Government coming in and setting up a system that is going to be a two-tier system. The Congress does not even come under this system, under one of the proposals, until 1998, 1 year after everybody else in the country has to come under it.

So I think that this is a system that should be shelved. This is a proposal that should be shelved. We should adopt the Michel plan.

Many of the components of the Michel plan are contained in the Clinton plan, only the Michel plan is $17 billion, the Clinton plan is $400 billion, without the bureaucracy.

Mr. DUNCAN. If the gentleman will yield further, I would just sum up by saying this: I think one of the most important points to make tonight is the national media is acting like there are only two plans out there, the President's plan and Congressman COOPER's plan.

The gentleman from Tennessee [Mr. COOPER] is from my home State, and I have great respect for him, but Senator GRAMM described his plan as socialism with a smile. It is so similar to the President's plan that there really is very little difference.

In fact, the gentleman from Tennessee [Mr. COOPER] said the President's plan will add big bucks to the deficit and greatly increase costs to the consumer. He later said in the Tennessee press that his plan was a first cousin to the President's plan, and he thought they would have a family reunion at the White House.

There are other better plans out there. You mentioned the medical savings plan, the medical IRA's, and that certainly would do the most to give people the most, the medical consumer the most control over their medical dollars and would do more to bring down the cost of medical care than any plan out there.

Frankly, it had over 200 cosponsors in the last Congress, more than any other plan has been able to achieve.

Syndicated columnist Paul Craig Roberts, one of our most respected economists, said this in a column recently:

> President Clinton's health plan will fail, because it will drive up demand but not supply. The result will be price increases or rationing. Price increases, combined with the expanded coverage Mr. Clinton wants, can mean an explosive increase in health care expenditures. Rationing can mean a deterioration in the quality and timeliness of cure or denying treatment in cases where the patient's prospects are not good or the cost exceeds the value of the person's life.

He goes on to say what will make us worse off is rationing schemes such as Mrs. Clinton's that deny the patient choice and the medical provider incentive. Government has never improved anything it has touched, and the more deeply it gets involved in our medical services, the worse they are going to get.

If we go to an even more Government-dominated, Government-controlled medical system than we now have, within a few short years it will lead to shortages, waiting periods, a declining quality of medical care. People in rural areas will have to go further and further distances to get certain types of treatment, and it will lead ultimately to a black market of medical care. It will lead to many things that the people do not want, they do not deserve to get, and, frankly, if we want to do something to make health care more affordable in this country, we will get the Federal Government less involved in medical care instead of more.

I thank the gentleman for letting me participate in this special order with you tonight.

Mr. DOOLITTLE. I thank the gentleman from Tennessee and the gentleman from Georgia for their excellent presentations.

Just observing, in 2 weeks when we reconvene, we will have another hour to discuss further aspects. I feel like we have really scratched the surface. There are so many points to make about health care and the Clinton socialized medicine plan versus the free enterprise-based plans that are out there.

We will have another opportunity to discuss this.

ELIMINATE SSI BENEFITS FOR PRISONERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. TORKILDSEN] is recognized for 60 minutes.

Mr. TORKILDSEN. Mr. Speaker, one of the worst failures of Government in recent memory has been the welfare system. For too long, welfare in the United States has punished those who want to find a job and get off welfare, and rewarded those who abuse the system, and waste taxpayer dollars.

Yesterday, I read two articles from the Pultizer Prize winning Eagle-Tribune from Lawrence, MA, which detailed two single parents caught in the trap of welfare for over 20 years, and felons who were collecting welfare benefits, even though the law prohibited them from doing so.

One parent with five dependents received welfare and child support cash payments totaling $30,168 per year tax free, or the equivalent in taxable income of $45,434. Another parent with four children received welfare cash payments of $25,716 per year tax free, or the equivalent taxable income of $38,730 per year.

One parent who was 45 years old said, "I'm scared to go back into the work system at my age. I find it easier for people to stay on welfare once you're on because you get more benefits." The other parent said, "Many years ago, there was no way to cheat welfare. Now it's a piece of cake. The system is hard on people who need it and easy on people who don't."

Yet at the same time welfare was trapping single parents, it was also rewarding those who had no reason to collect.

Tonight, I want to focus on two more articles that focus on key problems. One deals with the cost of fraud in the welfare system. But the first, and the

one I hope every American would find outrageous, is that convicts in prison for misdemeanors are still legally able to collect SSI. While felons are prohibited from collecting, those convicted of misdemeanors can still collect while serving time. This means that in most States, they could be serving up to 1 year, and in some States, they could be serving up to 2½ years, and still legally collect SSI.

The first article is entitled:

IN JAIL, CONVICT GETS $29,892

(By Brad Goldstein)

On Sept. 14, 1992, Andrew Filomia, 45, of Lawrence, was a signature away from pocketing as much money in one day as most people make in a year.

A U.S. Treasury check for $29,892 in Title II Social Security benefits was delivered to Mr. Filomia at the Essex County House of Correction in Middleton.

Mr. Filomia was serving a two-year sentence for violating a restraining order taken out by his mother.

Essex County Sheriff Charles Reardon found the check in a routine inspection of inmate mail, confiscated it and sent it back to the Social Security Administration.

He said he believed inmates were not entitled to collect Social Security behind bars. He was wrong.

State welfare rules prohibit anyone from collecting state public assistance while locked up. Prisoners are also supposed to lose Supplemental Security Income benefits. And federal law bars Social Security benefits for felons behind bars.

But nothing prevents someone serving time for a misdemeanor from collecting Social Security benefits while taxpayers are providing room and board in a jail or prison.

(The loophole in the law is the result of the notorious "Son of Sam" case.

In the late 1970s, David Berkowitz, also known as Son of Sam, applied for and received Social Security benefits while serving a life sentence for a series of murders in New York City.

When the news got out, Congress rushed to pass a law to cut him off.

"Congress said a convicted felon could not collect any kind of Social Security behind bars," Social Security spokesman Kurt Czarnowski said. "The obvious example they were trying to prevent was Son of Sam."

But Mr. Filomia was entitled to receive the money because his crimes—which also included committing forgery and larceny under $250—are all misdemeanors in Massachusetts, not felonies.

Mr. Filomia's brother Ralph, of Monsey, N.Y., said the $29,892 check represented 2½ years of retroactive disability benefits for his brother. He said he sent the check to Middleton jail so Mr. Filomia could sign it to be cashed. Ralph Filomia said he was following the instructions of his brother's social worker in New York.

"I didn't want to forge his check," Ralph Filomia said. "I thought I was doing the right thing. Some guard who doesn't make that much in year was jealous and sent it back."

Mr. Filomia, who has a record that includes convictions for breaking and entering and possession of heroin, contacted Merrimack Valley Legal Services. A lawyer for the agency went to bat for him by contacting the sheriff, who referred the lawyer to Social Security.

The money was returned to Mr. Filomia—although after the sheriff complained, Social Security initially withheld $6,000, representing the time Mr. Filomia was locked up.

Mr. Filomia appealed to a federal judge to recover the rest of his money.

The outcome of the appeal is not known. But Social Security officials made it clear criminals serving time for misdemeanors are not supposed to lose Title II benefits.

Title II benefits go to retirees, disabled people and survivors.

"He's not in on a felony rap," said Gene Ervin, regional inspector general for the U.S. Department of Health and Human Services. Mr. Ervin declined to discuss what disability made Mr. Filomia eligible for Social Security benefits.

"There are a lot of things that cause me to scratch my head as regional director for investigations," Mr. Ervin said. "This is not a unique type situation."

Mr. Speaker, believe it or not, this convict collected $29,892 while sitting in prison, and the Federal law said it was perfectly legal.

Last year, I filed H.R. 3251 to end the payment of SSI to any convict in prison. H.R. 3251 won't solve every problem with the welfare system, but it will end one glaring and blatant abuse by stopping welfare payments to prisoners.

The next article in the series I would like to read, deals with fraud in the welfare system, entitled:

FRAUD OFTEN A CRIME WITHOUT PUNISHMENT

(By Brad Goldstein)

Lawrence sanitation worker James R. Gerry was asked for some identification when he walked into a Boston bank last fall to cash a check from the City of Lawrence for $25,000.

He used his Massachusetts welfare card.

But Mr. Terry apparently failed to tell the Department of Public Welfare about the money, which represented a settlement of his worker's compensation claim.

Carmen "Cookie" Hernandez also failed to tell the welfare department something: She was operating her own business while collecting $668 a month in Aid to Families with Dependent Children, or AFDC, plus food stamps and Medicaid.

It is illegal to collect welfare while also receiving workers' compensation or owning a business, unless the outside income is reported.

But Mr. Terry and Ms. Hernandez have been able to beat the system.

Their stories are typical and illustrate what is wrong with the way Massachusetts deals with fraud.

Often welfare fraud is a crime without punishment.

In some cases, as in Mr. Terry's the fraud is never uncovered because applicants are poorly screened and routine checks are not performed.

In many other cases, as in Ms. Hernandez', investigators know or should know but still do nothing.

And even when welfare cheaters are caught, most still get away with it.

The bottom line: fraud costs taxpayers tens of million of dollars, while helping erode benefits for the majority of recipients who need public assistance to survive.

A year-long investigation of the welfare system by The Eagle-Tribune found:

Welfare workers and investigators fail to perform many basic checks that could head off fraud or uncover it after it has occurred.

Thousands of suspected fraud cases are backlogged and will eventually be dropped with no investigation because investigators have too many cases. The Lawrence welfare office, the state's third busiest, has only two fraud investigators—half as many as it had in 1989.

A pilot project at a welfare office in Dorchester found significant fraud and saved taxpayers more than than a half million dollars simply by having a part-time welfare investigator perform basic background checks.

Even when welfare cheats are caught, odds are good they will not be punished. Most cases are settled out of court, with an order to pay restitution.

More than $100 million in restitution is owned to the state; most will never be collected. (Story, Page 5.)

Meanwhile, state officials mislead the public about the extent of fraud. (Story below).

COMPUTER FINDS DOUBLE-DIPPERS

James Terry was one of the subjects of a 1991 Eagle-Tribune special report on problems in the worker's compensation system.

His name popped up again when a computer match of welfare and workers' compensation records by The Eagle-Tribune found 137 people, including 11 city workers, collected both types of assistance during the last two years.

They received $1.6 million in tax-free workers' compensation.

Only eight people—5 percent—reported the money to welfare as required by law.

Mr. Terry was not one of them, welfare records indicate.

The city tried to fire the 43-year-old sanitation worker in April 1989 for absenteeism and failure to take a drug test and physical examination.

But Mr. Terry had already filed for workers' compensation for a back injury.

The city paid Mr. Terry $3,000 to settle his case, but he later appealed to get back on the workers' compensation payroll.

Meanwhile, he went on General Relief welfare in May 1991. Until his eligibility ran out in April 1992, he collected $359 per month, plus $93 in food stamps.

In January 1992, while still on welfare, Mr. Terry won his workers' compensation appeal and was placed back on the payroll, at a tax-free $220 a week. The city was also ordered to pay Mr. Terry $25,406 in back wages.

Welfare recipients are required to report outside income, including workers' compensation, so it can be deducted from their benefits.

If Mr. Terry reported his workers' compensation, there is no evidence of it in welfare records.

Mr. Terry was no longer on the welfare rolls last October when he finally received and cashed the $25,000 check for back wages. But he was still required to report it since the retroactive pay covered part of the time he was on welfare.

Shortly after cashing the check, Mr. Terry quit his city job. He told a supervisor "it was time to get a real job," according to the supervisor.

There are other questions about Mr. Terry's case.

While collecting workers' compensation, he gave his address as 155 Ferry St., Lawrence. He listed a different address with the welfare department: his father's house.

If Mr. Terry was living at 155 Ferry St., another welfare rule was broken because his wife Sharon Terry, of 155 Ferry St., was collecting Aid to Families with Dependent Children. The rules prohibit AFDC for women who are living with the father of their children if he has another source of income.

There is also evidence of a third possible violation of the rules involving the Terrys.

Lawrence Licensing Board records show while collecting AFDC Mrs. Terry earned $6 an hour as a bartender at the Berkeley Social Club. Like her husband, Mrs. Terry appears to have failed to report any outside income.

The president of the club confirmed signing the document listing Mrs. Terry as an employee but refused to say if she still works there.

In a brief interview as he was coming out of 155 Ferry St., Mr. Terry denied he lived there or received public assistance while collecting workers' compensation.

"Why are you trying to make my life miserable?" he asked before driving off.

In a separate interview, Mrs. Terry also denied her husband lived with her. Wearing a gray Berkeley Social Club T-shirt, Mrs. Terry said she worked at the club 15 years ago but denied working there while collecting welfare.

COMPUTER FINDS VIOLATORS

There was little risk Mr. Terry or the other 128 welfare recipients who failed to report workers' compensation would be caught.

The state does not perform computer matches of welfare and workers' compensation records. It also fails to check many other readily available public records.

Industrial Accident commissioner James Campbell, in charge of the workers' compensation system in Massachusetts, said he would like to conduct matches with welfare to weed out double-dippers. But he said the state cannot do matches because the welfare department's computers are outdated.

Glen P. Fealy, director of the state Bureau of Special Investigations, or BSI, the agency responsible for investigating welfare abuses, agreed workers' compensation could be a fertile ground for his investigators.

But he also said inefficient computers prevent matches. "We don't have the tools to work with," Mr. Fealy said.

Welfare commissioner Joseph V. Gallant questioned the value of computer matches to catch welfare cheats. "You have to weigh what it costs to do the matches to get one or two people," he said.

The Eagle-Tribune found dozens of possible welfare abuses in the Lawrence office by using a personal computer to match welfare records with such public records as arrest reports, court and jail records, business certificates, and lists of overdue parking tickets and abandoned properties.

Seven Greater Lawrence residents were found to be running businesses while collecting public assistance.

Thirteen received welfare here while registering cars in New Hampshire. A husband and wife each received General Relief benefits while registering their car from a Hampton Beach motel.

Registering a car out of state is one way to hide assets.

A dozen people were found using abandoned properties to collect some form of public assistance. In one case, a man stayed on the welfare rolls for five months after a suspicious fire destroyed the home where he was supposed to be living.

Mr. Gallant said the welfare department does computer matches with tax and unemployment records to find people who are working while collecting welfare.

But welfare cheats know they will not be caught if they work under the table and do not pay taxes.

They have little to fear even if they build up huge bank accounts while working on the side. That is because the state no longer does random computer searches of bank records to find hidden assets.

Such searches were performed under the administration of Gov. Edward J. King and were credited with uncovering a thousand fraud cases a month.

In 1979, Legal Services sued to stop the practice, arguing social workers should not be doing fraud investigations.

As a result of the case, Gov. King created a separate fraud unit, the BSI, to conduct the investigations.

Welfare investigators now do bank searches only on a case-by-case basis, said Anthony Guglielmo, head of the union representing BSI welfare fraud investigators.

SPOT CHECKS DISCONTINUED

Several years ago, some abuses that can now be uncovered by computer checks might have been detected when social workers visited welfare recipients' homes.

Welfare commissioner Gallant said Gov. King stopped the home visits. He agrees with the decision.

"It's an extremely inefficient system to go out and randomly go into people's houses," Mr. Gallant said. "Even if a man is in there, she can say he is not her husband or the father of her children."

He also said it was difficult keeping track of social workers making home visits.

The welfare department and BSI also fail to perform many simple checks to verify information provided by welfare applicants. In many cases, the welfare department operates essentially on the honor system.

The results can be startling when some basic checks are performed.

Last year, the welfare department launched a pilot study in the Bowdoin Park welfare office in Boston, the state's 14th busiest.

Welfare workers were trained to look for signs of fraud when interviewing applicants. Suspicious cases were referred to a part-time BSI investigator.

The Eagle-Tribune obtained a copy of an internal report on the results of the first year of the experiment.

It shows irregularities were substantiated in 62 of 134 cases referred for review—46 percent. In 49 cases, the welfare application wound up being denied or withdrawn. Taxpayers saved $523,372.

Many bogus cases were discovered with a phone call.

One call to a pregnancy clinic found an applicant lied about being pregnant. In another case, an "absentee" parent answered the phone at the applicant's home.

The report came out last April but its lessons have yet to be applied to the state's other 47 welfare offices.

If each office was able to head off as much fraud as Bowdoin Park did, taxpayers could save $24 million a year.

Welfare officials now say they plan to act soon.

BUSINESSWOMAN ON WELFARE

Welfare investigators can fail to catch cheats even when a case falls into their lap.

Carmen "Cookie" Hernandez was reported to welfare investigators in 1986 by Lawrence Housing Authority officials. The LHA discovered she owned a business while collecting public assistance and living in subsidized housing.

But the matter was dropped.

Instead, someone told Mrs. Hernandez that she had been reported, a clear breach of welfare department rules. She filed a complaint with her tenant representative.

Today, LHA officials question whether the state cares about fighting welfare fraud.

"What concerned us is when we have tenants in public housing who are flaunting the system," LHA head Domenic O'Neill said. "We turned (the Hernandez case) over to welfare and it was disregarded."

Mrs. Hernandez has been on and off the welfare rolls for seven years.

While receiving benefits and living at the Stadium Courts project in Lawrence, Mrs. Hernandez operated the Hernandez Shop, a bridal boutique at 317 Broadway, according to a 1986 business certificate she filed with the city.

Now called "Party World," it moved to 400 Broadway earlier this year.

At the time, her ex-husband owned a meat market. It closed three years ago.

Mrs. Hernandez went off welfare for a while in 1989 but continued living in public housing while running her business.

In April of last year, LHA officials evicted her for non-payment of rent. She then went back on welfare while continuing to operate the bridal shop.

In a phone interview, Mrs. Hernandez, who now goes by her maiden name of Carmen Vasquez, first denied ever owning a bridal shop in Lawrence. She described herself as a hard-working mother of five who baked wedding cakes out of her home.

"I've never done anything wrong," Mrs. Hernandez said. "I work at home . . . Everybody in Lawrence knows me for my cakes."

Asked about city records listing her as owner of the bridal shop as far back as 1986, Mrs. Hernandez said she owned the store for three months in 1989 but sold it to her sister and her sister's boyfriend.

"When I was the owner, I never collected welfare. I am not so stupid as to put my name down as the business owner," she said.

People who did business with the bridal shop also identify her as the owner.

In 1990, Mrs. Hernandez and her husband took out a business loan of more than $10,000 from Lawrence Savings Bank. Jeffrey Leeds, vice president of the bank, said it was for the bridal shop operated by Mrs. Hernandez and a delicatessen operated by her husband.

Bank officials later took the couple to Lawrence District Court for failing to repay their loan. The bank won a $14,572 judgment but has received no money from the couple.

"We have not had a tremendous amount of success in locating them," Mr. Leeds said.

Phillip Lynch of Ipswich said Mrs. Hernandez operated the bridal business when it was located in his building at 313 Broadway from 1991 until early this year.

He said he sought to evict Mrs. Hernandez last year when she fell behind in her rent. He said she owes $11,000.

In March this year, while on welfare and despite her claim her sister now owned the business, Mrs. Hernandez signed a court settlement agreeing to pay $1,000 to Mr. Lynch. She also agreed to move the shop from his building.

Robert Avila, owner of the building where the bridal shop is now located, also identified Mrs. Hernandez as the owner.

"She's the one who leases the building from me," Mr. Avila said. "I have a security deposit on her . . . She paid July's rent in cash."

Mrs. Hernandez maintained she was acting for her sister in her dealings with Mr. Lynch and Mr. Avila. She said her sister had to return to the Dominican Republic because of problems with U.S. immigration officials.

"That's not my money," she said. "I don't have my name on any papers."

Until recently, Mrs. Hernandez received $668 a month in AFDC, plus $231 in food

stamps and taxpayer-provided Medicaid health insurance.

Records show her welfare benefits were stopped on Sept. 12 when she failed to show up for routine review of her case after The Eagle-Tribune began questioning her.

Mrs. Hernandez told the newspaper in August she was headed to Miami to enroll her daughter in school.

TOO MANY CASES

It is not known why the Hernandez case was not pursued.

But investigators say there are too few of them and too many cases.

The number of welfare fraud investigators has been cut 35 percent in 10 years.

There were 123 in 1983, the last year of Gov. King's term. There are now 80.

Gov. William F. Weld, despite his antifraud rhetoric, has cut BSI's budget twice, prompting layoffs of fraud investigators. Some were later rehired, and Mr. Weld this year agreed to hire 12 new investigators to perform background checks like the ones in the pilot project at Bowdoin Hall.

In the meantime, Lawrence has been cut from four to two investigators.

BSI director Fealy agreed Lawrence has a backlog of cases but refused to cite the number, which others put at 2,000. He also defended Gov. Weld's cuts. He said he believes "the smaller the government the better."

William McCarthy, the BSI supervisor for Lawrence, said one of his investigators has more than 1,000 open fraud referrals, 600 more than the state average.

"There is no way he can handle them," Mr. McCarthy said. "They all die on the vine. they have to die on the vine. I've made this known."

BSI union president Guglielmo said the backlog in Lawrence is not unique.

Welfare offices in Brockton and the Grove Hall section of Boston also have more than 2,000 open fraud cases, he said.

He said the average BSI investigator completes 50 to 55 investigations a year. An investigator who can handle 100 is considered special enough to get his name on a plaque at BSI headquarters.

Because of the backlog, he estimates 30 to 40 percent of fraud referrals are dropped simply because the six-year statute of limitations has run out.

Mr. McCarthy said the overload hurts both the taxpayers and the truly needy.

"The ironic thing is we have this fraud, the people who are on it and need it, they don't get enough," he said. "If we got rid of some of this fraud then they might have more to get by on."

Mr. Speaker, to recap tonight's articles, convicts serving time in prison can and are legally able to collect SSI benefits. One prisoner in Massachusetts collected $29,892 while behind bars. I have filed H.R. 3251 to stop this practice. H.R. 3251 will end the practice of convicts collecting welfare from their prison beds. Also welfare in the United States is a system that often lets fraud go unpunished. This is on top of the fact that welfare is sadly becoming a way of life for many, both those who want go get off the system, and those who callously abuse it.

Mr. Speaker, I hope the House will act quickly on H.R. 3251, to end the abuse of convicts collecting welfare and SSI benefits while in prison.

I will continue reading this series at future special orders, next focusing on other convicts who have been subsidized by the welfare system.

□ 1920

REPORT ON RESOLUTION WAIVING REQUIREMENT OF RULE XI WITH RESPECT TO CONSIDERATION OF RESOLUTION PROVIDING FOR CONSIDERATION OR DISPOSITION OF H.R. 3759, EMERGENCY SUPPLEMENTAL APPROPRIATIONS, 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–421) waiving a requirement of clause 4(b) of rule XI with respect to consideration of a certain resolution reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3345, FEDERAL WORK FORCE RESTRUCTURING ACT OF 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–422) providing for the consideration of the bill (H.R. 3345) to amend title 5, United States Code, to eliminate certain restrictions on employee training; to provide temporary authority to agencies relating to voluntary separation incentive payments; and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTERT (at the request of Mr. MICHEL), from 2:30 today and the balance of the week, on account of illness in the family.

Mr. BILIRAKIS (at the request of Mr. MICHEL), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RAMSTAD) to revise and extend their remarks and include extraneous material:)

Mr. BACCHUS of Florida, for 5 minutes, today.

Mr. KINGSTON, for 60 minutes, today.

(The following Members (at the request of Mr. BRYANT) to revise and extend their remarks and include extraneous material:)

Mrs. UNSOELD, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

Mrs. MINK, for 5 minutes, today.

Mr. NEAL of Massachusetts, for 60 minutes each day on March 1, 2, and 3.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PETE GEREN of Texas, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. RAMSTAD) and to include extraneous matter:)

Mr. KINGSTON.

Mr. CLINGER.

Mr. CRANE.

Mr. GILMAN in two instances.

Mr. GALLO.

Mr. SAXTON.

Mr. BUNNING.

Mr. GEKAS.

(The following Members (at the request of Mr. BRYANT) and to include extraneous matter:)

Mr. ROMERO-BARCELÓ.

Mr. ANDREWS of Texas.

Mr. HAMILTON in five instances.

Mr. SAWYER.

Mr. REED.

Mr. DANNER.

Mr. FORD of Michigan in two instances.

Mr. WILSON.

Ms. DELAURO.

Mr. HOYER.

Mr. LANTOS.

Mr. BLACKWELL.

Mr. MAZZOLI.

(The following Members (at the request of Mr. TORKILDSEN) and to include extraneous matter:)

Mr. TRAFICANT.

Mr. GEJDENSON.

Mrs. UNSOELD.

Mr. ENGEL.

Mrs. MINK.

Mr. WELDON.

Mr. STUPAK.

Mr. COLEMAN.

Mr. BOEHLERT in two instances

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On February 8, 1994:

H.R. 1303. An act to designate the Federal Building and United States Courthouse lo-

cated at 402 East State Street in Trenton, New Jersey, as the "Clarkson S. Fisher Federal Building and United States Courthouse."

H.R. 2223. An act to designate the Federal building located at 528 Griffin Street in Dallas, Texas, as the "A. Maceo Smith Federal Building."

H.R. 2555. An act to designate the Federal building located at 100 East Fifth Street in Cincinnati, Ohio as the "Potter Steward United States Courthouse."

H.R. 3186. An act to designate the United States courthouse located in Houma, Louisiana, as the "George Arceneaux, Jr., United States Courthouse."

H.R. 3356. To designate the United States courthouse under construction at 611 Broad Street, in Lake Charles, Louisiana, as the "Edwin Ford Hunter, Jr., United States Courthouse."

ADJOURNMENT

Mr. MOAKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, February 10, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

2557. Under clause 2 of rule XXIV, a communication from the President of the United States, transmitting the annual report on science, technology and American diplomacy for fiscal year 1993, pursuant to 22 U.S.C. 2656c(b), was taken from the Speaker's table and referred to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 2547. A bill to improve the economy of the United States and promote the national security interests of the United States by establishing a National Shipbuilding Initiative to provide support for the U.S. shipbuilding industry in order to assist that industry in regaining a significant share of the world commercial shipbuilding market, and for other purposes; with an amendment (Rept. 103-420, Pt. 1). Ordered to be printed.

Mr. BEILENSON: Committee on Rules. House Resolution 356. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of a certain resolution reported from the Committee on Rules (Rept. 103-421). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 357. Resolution providing for consideration of the bill (H.R. 3345) to amend title 5, United States Code, to eliminate certain restrictions on employee training; to provide temporary authority to agencies relating to voluntary separation incentive payments; and for other purposes (Rept. 103-422). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. UNSOELD (for herself, Mr. STUDDS, Mr. LIPINSKI, Mr. DICKS, Ms. CANTWELL, Ms. DUNN, Mr. KREIDLER, Mr. SWIFT, Mr. MANTON, Mr. BORSKI, Mr. HOYER, Mr. CUNNINGHAM, and Mr. JOHNSON of South Dakota):

H.R. 3821. A bill to promote construction and operation of passenger vessels in the United States, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Natural Resources.

H.R. 3822. A bill to amend the Merchant Marine Act, 1936, and the Internal Revenue Code of 1986 to promote construction and operation of passenger vessels in the United States, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Ways and Means.

By Mr. BARCA of Wisconsin (for himself, Mr. BARCIA of Michigan, and Mr. BARRETT of Wisconsin):

H.R. 3823. A bill to provide for the establishment of a uniform standard of need under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. BOUCHER:

H.R. 3824. A bill to amend the Agricultural Adjustment Act of 1938 to revise the reserve stock level for burley tobacco, to increase the amount of scrap tobacco permitted to be marketed, and to authorize the lease and transfer of burley tobacco quotas between farms in adjacent counties in the State of Virginia under certain circumstances; to the Committee on Agriculture.

By Mr. DE LUGO:

H.R. 3825. A bill to amend the Revised Organic Act of the Virgin Islands to authorize the legislature of the Virgin Islands to create municipal governments; to the Committee on Natural Resources.

By Mr. GEJDENSON:

H.R. 3826. A bill to amend title III of the Job Training Partnership Act to provide employment and training assistance for certain individuals who work at or live in the community of a plant, facility, or enterprise that is scheduled to close or undergo significant layoffs, and for other purposes; to the Committee on Education and Labor.

By Ms. HARMAN (for herself, Mr. BATEMAN, Mr. BERMAN, Mr. EVANS, Mr. LEVY, and Ms. SCHENK):

H.R. 3827. A bill to amend title 18, United States Code, to deny convicted felons and other individuals the opportunity to seek administrative relief from prohibitions against possessing, shipping, transporting, or receiving firearms or ammunition, and to eliminate the authority of the Federal courts to admit additional evidence in reviewing denials of such administrative relief for other persons; to the Committee on the Judiciary.

By Mr. HEFLEY:

H.R. 3828. A bill to amend the Internal Revenue Code of 1986 to allow employers the targeted jobs credit for hiring individuals who have received, or were eligible to receive, unemployment compensation covering at least 90 days; to the Committee on Ways and Means.

By Mrs. MINK of Hawaii:

H.R. 3829. A bill to require the Secretary of Agriculture to make emergency crop loss assistance available to agricultural producers to cover production losses incurred in the 1992 through 1995 crop years as a result of the destruction of papaya, banana, and other fruit-bearing trees by Hurricanes Andrew and Iniki and Typhoon Omar; to the Committee on Agriculture.

By Mr. PETERSON of Florida (for himself, Mrs. SCHROEDER, Mr. BISHOP, Mrs. FOWLER, Mr. JEFFERSON, Mrs. THURMAN, and Mrs. UNSOELD):

H.R. 3830. A bill to amend title 5, United States Code, to provide that five additional points be granted, on the examination for entrance into the competitive service, to certain veterans who do not currently qualify for any such additional points; to the Committee on Post Office and Civil Service.

By Mr. ROMERO-BARCELÓ (for himself, Mr. DE LUGO, Mr. GALLEGLY, Mr. MURPHY, Mr. UNDERWOOD, and Mr. FALEOMAVAEGA):

H.R. 3831. A bill to authorize and direct the transfer of certain lands on the Island of Vieques, PR, to the Municipality of Vieques, and for other purposes; jointly, to the Committees on Armed Services and Natural Resources.

By Mr. SENSENBRENNER (by request):

H.R. 3832. A bill to amend the Internal Revenue Code of 1986 to allow certain corporations and certain trusts to be shareholders of subchapter S corporations; to the Committee on Ways and Means.

By Mr. SMITH of Oregon:

H.R. 3833. A bill to provide for the expeditious start of emergency repair work on the Crooked River Project, Ochoco Dam, OR; to the Committee on Natural Resources.

By Mr. TRAFICANT:

H.R. 3834. A bill to amend the independent counsel provisions of title 28, United States Code, to authorize the appointment of an independent counsel when the Attorney General determines that Department of Justice attorneys have engaged in certain conduct; to the Committee on the Judiciary.

By Mr. HOEKSTRA (for himself, Mrs. FOWLER, Ms. SHEPHERD, Mr. FINGERHUT, and Mr. TORKILDSEN):

H.R. 3835. A bill to establish a national advisory referendum on limiting the terms of Members of Congress at the general election of 1994; to the Committee on House Administration.

By Mr. SANTORUM (for himself, Mr. CAMP, Mr. GRANDY, and Mr. SUNDQUIST):

H.R. 3836. A bill to amend the Fair Debt Collection Practices Act to exempt from the requirements of the act Government agencies, attorneys, and private child support enforcement agencies who are engaged in the collection of child support due under a court order, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ZIMMER:

H.J. Res. 321. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations bills and an item veto of contract au-

thority or taxation changes in any other bill; to the Committee on the Judiciary.

By Mr. GALLO (for himself, Mr. SOLOMON, Mr. SANTORUM, Mr. CANADY, Mr. ARMEY, Mr. MACHTLEY, Mr. QUINN, and Mr. HASTERT):

H. Res. 354. Resolution amending the rules of the House of Representatives to require that committee reports accompanying authorization and revenue bills include employment impact statements prepared by the Director of the Congressional Budget Office; to the Committee on Rules.

By Mr. TUCKER (for himself, Mr. LEHMAN, Mr. THOMAS of California, Mr. VALENTINE, Mr. WYNN, Mr. LEWIS of Georgia, Mr. WATT, and Ms. ROYBAL-ALLARD):

H. Res. 355. Resolution expressing the sense of the House of Representatives that the people of the United States should be encouraged to practice random acts of kindness; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. VOLKMER introduced a bill (H.R. 3837) for the relief of Ulrike Sanders; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 163: Mr. FRANKS of New Jersey.

H.R. 306: Mr. PARKER.

H.R. 494: Mr. SKELTON and Mr. KIM.

H.R. 520: Mr. NEAL of Massachusetts.

H.R. 543: Mr. COX.

H.R. 546: Mr. SANDERS, Mr. KANJORSKI, and Mr. SWETT.

H.R. 737: Mr. ENGEL.

H.R. 762: Mr. ENGEL.

H.R. 773: Mr. ENGEL, Mr. MINGE, Mr. HOEKSTRA, and Mr. PENNY.

H.R. 786: Mr. BEREUTER.

H.R. 885: Mr. ZIMMER, Mr. DORNAN, Mr. POSHARD, Mr. HUFFINGTON, Mr. RAMSTAD, Mr. TAYLOR of Mississippi, and Mr. COX.

H.R. 959: Mr. OLVER.

H.R. 1048: Mr. PACKARD and Mr. SARPALIUS.

H.R. 1055: Mr. LEWIS of Florida.

H.R. 1078: Mr. SARPALIUS.

H.R. 1080: Mr. SARPALIUS.

H.R. 1082: Mr. SARPALIUS.

H.R. 1099: Mr. PAXON.

H.R. 1126: Mr. FRANKS of New Jersey.

H.R. 1181: Mr. MORAN, Mr. DICKEY, and Mr. GINGRICH.

H.R. 1182: Mr. PARKER.

H.R. 1206: Mr. ENGEL.

H.R. 1322: Mr. CLINGER, Mr. GINGRICH, and Mr. PAXON.

H.R. 1417: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BONIOR, Mr. JEFFERSON, and Mr. LEWIS of Georgia.

H.R. 1583: Ms. PRYCE of Ohio, Mr. VALENTINE, Mr. BACCHUS of Florida, Mr. SHAYS, Mr. BARTLETT of Maryland, Mr. DELAY, Mr. BLUTE, Mr. HUTTE, and Mr. FRANK of Massachusetts.

H.R. 1671: Mr. SMITH of Iowa.

H.R. 1687: Mr. DERRICK.

H.R. 1709: Mr. ZIMMER, Mr. TORRICELLI, Mr. TAYLOR of North Carolina, Mr. HOKE, Mr. FRANKS of New Jersey, Mr. GENE GREEN of Texas, and Mr. BISHOP.

H.R. 1801: Mr. RANGEL.

H.R. 1815: Mr. PARKER.

H.R. 1886: Mr. PRICE of North Carolina, Mr. ACKERMAN, and Mr. COYNE.

H.R. 1897: Ms. BROWN of Florida.

H.R. 1900: Mr. BARLOW.

H.R. 1906: Mr. JACOBS.

H.R. 2135: Mr. RANGEL, Mr. SOLOMON, and Mr. PARKER.

H.R. 2159: Ms. SLAUGHTER.

H.R. 2258: Mr. FRANK of Massachusetts, Mrs. MORELLA, Mr. FOGLIETTA, Mr. FALEOMAVAEGA, Mr. MINETA.

H.R. 2354: Mr. HERGER and Mr. ZIMMER.

H.R. 2417: Mr. JACOBS.

H.R. 2444: Mr. KNOLLENBERG, Mr. GINGRICH, and Mr. NADLER.

H.R. 2467: Mr. DORNAN, Mr. FAZIO, Mr. GOODLING, Mr. HAMBURG, Mr. HOLDEN, Mr. HORN, Mr. HUGHES, Mr. INHOFE, Mr. LAROCCO, Mr. LEWIS of California, Mr. MCDADE, Ms. MARGOLIES-MEZVINSKY, Mr. QUILLEN, and Mr. WHITTEN.

H.R. 2571: Mr. ANDREWS of Maine, Mr. ENGEL, Mr. CRAMER, Mr. OLVER, Mr. WYNN, Ms. LONG, and Mr. BOUCHER.

H.R. 2641: Ms. SLAUGHTER, Mr. LANTOS, and Mr. KREIDLER.

H.R. 2670: Mr. DINGELL, Mr. QUILLEN, Mr. TOWNS, Mr. DEFAZIO, Mr. KOPETSKI, Mrs. UNSOELD, Mr. FILNER, Mr. KREIDLER, Mr. DURBIN, Mr. FIELDS of Texas, Mrs. BENTLEY, Mr. MANTON, Mr. EVANS, Mr. MCCLOSKEY, Mr. LAROCCA, Mr. JOHNSTON of Florida, and Ms. SLAUGHTER.

H.R. 2671: Mr. GILMAN.

H.R. 2897: Mr. CRANE and Mr. BREWSTER.

H.R. 2898: Mr. COLEMAN and Mr. SERRANO.

H.R. 2939: Mr. SCOTT.

H.R. 3024: Mr. BACHUS of Alabama.

H.R. 3088: Mr. SHAYS, Mr. ACKERMAN, Mr. BRYANT, and Mr. ABERCROMBIE.

H.R. 3122: Mr. PARKER.

H.R. 3227: Mr. WHITTEN, Mr. BALLENGER, Mr. HUTCHINSON, Mr. MORAN, and Mr. RAHALL.

H.R. 3293: Mr. KOPETSKI.

H.R. 3337: Mr. EDWARDS of California, Mr. MILLER of California, Mr. YATES, Mr. MANN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLAY, Mr. MORAN, and Mr. LEWIS of Georgia.

H.R. 3386: Mr. MORAN, Mr. SKEEN, Mr. CLINGER, Mr. CLYBURN, Mrs. FOWLER, Mr. PETRI, Mr. BROWN of Ohio, Mr. THOMAS of Wyoming, Ms KAPTUR, Mr. GALLO, and Mr. HASTERT.

H.R. 3435: Mrs. CLAYTON.

H.R. 3513: Mr. EVANS, and Mr. YATES.

H.R. 3538: Mrs. UNSOELD, Mr. OBERSTAR, Mr. WAXMAN, Ms. FURSE, Mr. MCCLOSKEY, Mr. EVANS, Mr. MCDERMOTT, Mr. RAHALL, Ms. WOOLSEY, and Ms. SHEPHERD.

H.R. 3545: Mr. SHAYS, Mr. SKEEN, Mr. WALKER, Mr. RAMSTAD, Mr. WALSH, Mr. GREENWOOD, Mr. EWING, Mr. PETRI, Mr. MACHTLEY, Mr. GOSS, and Mr. LEVY.

H.R. 3574: Mr. FRANK of Massachusetts, Mrs. MORELLA, Mr. FOGLIETTA, Mr. FALEOMAVAEGA, and Mr. MINETA.

H.R. 3584: Mr. BAKER of Louisiana, Mr. DICKEY, Mr. EDWARDS of Texas, Mr. FROST, Mr. GILCHREST, Mr. GENE GREEN of Texas, Mr. HOLDEN, Mr. LEVY, Mrs. LLOYD, Mr. MILLER of Florida, Mr. QUINN, Mr. WALSH, Mr. WILSON, and Ms. KAPTUR.

H.R. 3624: Mr. QUILLEN, Mr. DUNCAN, and Mr. JOHNSON of Georgia.

H.R. 3645: Mr. PORTER.

H.R. 3656: Ms. WOOLSEY.

H.R. 3663: Mr. COYNE, Mr. CLAY, Mr. HINCHEY, Mr. ABERCROMBIE, Mr. STUDDS, and Mr. WHEAT.

H.R. 3727: Mr. POMEROY and Mr. SANTORUM.

H.R. 3757: Mr. BARCA of Wisconsin.

H.R. 3783: Mrs. MINK of Hawaii, Mr. MCDERMOTT, and Mr. FALEOMAVAEGA.

H.R. 3789: Mr. LEWIS of Florida.

H.R. 3808: Mr. TEJEDA and Mr. ROWLAND.

H.J. Res. 9: Mr. CALVERT and Ms. DUNN.

H.J. Res. 28: Mr. SARPALIUS.

H.J. Res. 209: Mr. WELDON.

H.J. Res. 230: Mr. BEVILL, Mr. FISH, Mr. GENE GREEN of Texas, Mr. HAYES, Mr. HEFNER, Mr. HILLIARD, Mr. HINCHEY, Mr. HOBSON, Mr. JACOBS, Mr. KLECZKA, Mr. KLEIN, Mr. LANCASTER, Mr. LIPINSKI, Mr. MCDADE, Mrs. MALONEY, Mr. MANTON, Mr. MARTINEZ, Mr. MATSUI, Mr. MEEHAN, Mrs. MINK of Hawaii, Mr. MONTGOMERY, Mr. MOORHEAD, Mrs. MORELLA, Mr. MURPHY, Mr. KNOLLENBERG, Mr. PAYNE of New Jersey, Mr. PETERSON of Florida, Mr. PETRI, Mr. QUINN, Mr. SABO, Mr. SARPALIUS, Mr. SAWYER, Mr. SAXTON, Mr. SCHUMER, Mr. SERRANO, Mr. SHUSTER, Mr. SLATTERY, Mr. SPENCE, Mr. TALENT, Mrs. THURMAN, Mr. COPPERSMITH, Mr. TORKILDSEN, Mr. VALENTINE, Mr. WYNN, Mr. FALEOMAVAEGA, and Mr. PETE GEREN of Texas.

H.J. Res. 251: Mrs. MEYERS of Kansas.

H.J. Res. 253: Mr. GRANDY.

H.J. Res. 256: Mr. BACHUS of Alabama.

H.J. Res. 297: Mr. CLEMENT, Mr. SUNDQUIST, Mr. CLAY, and Mr. TUCKER.

H.J. Res. 303: Mr. QUINN, Mr. MCDADE, Mr. HAMILTON, Mr. SANGMEISTER, Mr. TALENT, Mr. HUNTER, Mr. HOCHBRUECKNER, Ms. BROWN of Florida, Mr. DINGELL, Mr. MACHTLEY, Mr. HUTTO, Mr. BACHUS OF Alabama, Mr. FOGLIETTA, Mr. GALLEGLY, Mr. SMITH of Michigan, Mr. NEAL of Massachusetts, Mr. HYDE, Mr. REED, and Mr. KASICH.

H.J. Res. 305: Mr. MOAKLEY, Mr. BOEHLERT, Mrs. THURMAN, Mrs. MALONEY, Mr. KENNEDY, Mr. EVANS, Mr. FROST, Mr. YATES, Mr. NEAL of Massachusetts, Mr. SISISKY, Mr. BEVILL, Mr. WILSON, Mr. LIPINSKI, Mr. FALEOMAVAEGA, Mr. MONTGOMERY, and Mr. MCDERMOTT.

H.J. Res. 310: Mr. BLILEY, Mr. MCDERMOTT, Mr. WELDON, Mr. KOPETSKI, Mr. KNOLLENBERG, Mr. RANGEL, Mrs. THURMAN, Mr. WALSH, Mr. TORKILDSEN, Mr. TORRICELLI, Ms. DELAURO, Mr. HALL of Ohio, Mr. SOLOMON, and Mr. LAZIO.

H. Con. Res. 84: Mr. HOLDEN, Mr. FLAKE, and Mr. BURTON of Indiana.

H. Con. Res. 122: Mr. PARKER.

H. Con. Res. 127: Mr. NEAL of North Carolina and Mr. CAMP.

H. Con. Res. 147: Mr. FLAKE, Mr. GILMAN, Mr. DARDEN, and Mr. HUTCHINSON.

H. Con. Res. 152: Mr. SERRANO.

H. Con. Res. 201: Mr. HANCOCK, Mr. GRAMS, Mr. MINGE, Mr. KINGSTON, Mr. GALLO, Ms. MARGOLIES-MEZVINSKY, and Mr. GOODLATTE.

H. Con. Res. 202: Mr. CLAY and Mr. KOPETSKI.

H. Res. 53: Mr. DEAL.

H. Res. 236: Mr. MAZZOLI, Mr. PARKER, Mr. ENGEL, Mr. HOCHBRUECKNER, Mr. FIELDS of Louisiana, and Mr. WISE.

H. Res. 238: Mr. BAKER of California, Mr. BARTON of Texas, Mr. COX, Mr. THOMAS of Wyoming, Mr. TAYLOR of North Carolina, Mr. ROBERTS, Mr. INGLIS of South Carolina, Mr. COOPER, Mr. GALLEGLY, and Mr. HUTCHINSON.

H. Res. 247: Mr. COLLINS of Georgia, Mr. BACHUS of Alabama, and Mr. RAVENEL.

H. Res. 281: Mr. MANTON, Mr. BARCA of Wisconsin, and Mr. STUPAK.

H. Res. 343: Mr. DORNAN, Mrs. UNSOELD, Mr. MANN, Mr. SCHUMER, Mr. WELDON, Mr. WOLF, Mrs. MEYERS of Kansas, and Mr. MCNULTY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3527: Mr. HEFNER.